

### CONFIRMATIONS

*Executive nominations confirmed by the Senate May 3 (legislative day of May 1), 1933*

#### ASSISTANT SECRETARY OF THE INTERIOR

Oscar L. Chapman to be Assistant Secretary of the Interior.

#### SOLICITOR GENERAL

James Crawford Biggs to be Solicitor General.

#### MEMBER OF THE BOARD OF TAX APPEALS

Jed C. Adams to be a member of the Board of Tax Appeals.

#### MEMBER OF THE FEDERAL FARM BOARD

Francis Winfred Peck to be a member of the Federal Farm Board.

## HOUSE OF REPRESENTATIVES

WEDNESDAY, MAY 3, 1933

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D.D., offered the following prayer:

Our Lord and our God, in these silent moments dedicated to prayer, enable us to listen to the voice of our deepest natures and know that the vast reward of a godly life is in the soul itself. Here we attain the gladness and freedom of duty, and work and sacrifice accomplish their best. In our intercourse with one another in this Chamber may we proceed on the grounds of mutual faith and hope, forgetting ourselves in the largest service we owe our beloved country. Oh, cast Thy peace into the tumultuous life of this present day. Overarch our restlessness with calm, and in the thought of the eternal may we find guidance and wisdom in the pressing problems of these hours. Through Christ our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

#### MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Horne, its enrolling clerk, announced that the Senate insists upon its amendments to the bill (H.R. 3835) entitled "An act to relieve the existing national economic emergency by increasing agricultural purchasing power, to raise revenue for extraordinary expenses incurred by reason of such emergency, to provide emergency relief with respect to agricultural indebtedness, to provide for the orderly liquidation of joint-stock land banks, and for other purposes, requests a conference with the House thereon, and appoints Mr. SMITH, Mr. FLETCHER, Mr. THOMAS of Oklahoma, Mr. WAGNER, Mr. McNARY, and Mr. WALCOTT to be the conferees on the part of the Senate.

#### SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 7. An act providing for the suspension of annual assessment work on mining claims held by location in the United States and Alaska; to the Committee on Mines and Mining.

S. 157. An act to amend an act approved March 4, 1929 (45 Stat. 1548), entitled "An act to supplement the last three paragraphs of section 5 of the act of March 4, 1915 (38 Stat. 1161), as amended by the act of March 21, 1918 (40 Stat. 458)"; to the Committee on Public Lands.

S. 166. An act for the relief of Robert J. Foster; to the Committee on Military Affairs.

S. 248. An act for the relief of Rolando B. Moffett; to the Committee on Military Affairs.

S. 313. An act to amend section 5 of the act approved July 10, 1890 (28 Stat. 664), relating to the admission into the Union of the State of Wyoming; to the Committee on the Territories.

S. 381. An act for the relief of Samson Davis; to the Committee on Military Affairs.

S. 422. An act for the relief of Albert A. Marquardt; to the Committee on Military Affairs.

S. 423. An act for the relief of Michael J. Moran; to the Committee on Military Affairs.

S. 531. An act for the relief of Dan Davis; to the Committee on Military Affairs.

S. 558. An act for the relief of Beryl M. McHam; to the Committee on Military Affairs.

S. 593. An act to amend the act entitled "An act to give war-time rank to retired officers and former officers of the Army, Navy, Marine Corps, and/or Coast Guard of the United States", approved June 21, 1930, so as to give class B officers of the Army benefits of such act; to the Committee on Military Affairs.

S. 604. An act amending section 1 of the act entitled "An act to provide for stock-raising homesteads, and for other purposes", approved December 29, 1916 (ch. 9, par. 1, 39 Stat. 862), and as amended February 28, 1931 (ch. 328, 46 Stat. 1454); to the Committee on the Public Lands.

S. 707. An act for the relief of James J. Jordan; to the Committee on Military Affairs.

S. 743. An act to amend the act approved June 30, 1932, entitled "An act providing for the transfer of the duties authorized and authority conferred by law upon the Board of Road Commissioners in the Territory of Alaska to the Department of the Interior, and for other purposes"; to the Committee on the Territories.

S. 753. An act to confer the degree of bachelor of science upon graduates of the Naval Academy; to the Committee on Naval Affairs.

S. 772. An act for the relief of Robert J. Smith; to the Committee on Military Affairs.

S. 792. An act for the relief of Curtis Jett; to the Committee on Military Affairs.

S. 804. An act to authorize the Secretary of War to grant a right of way to the Dalles Bridge Co.; to the Committee on Interstate and Foreign Commerce.

S. 1131. An act to amend the probation law; to the Committee on the Judiciary.

S. 1204. An act for the relief of William Burke; to the Committee on Military Affairs.

S. 1278. An act to amend an act (Public, No. 431, 72d Cong.) to identify The Dalles Bridge Co.; to the Committee on Interstate and Foreign Commerce.

S. 1287. An act for the relief of Leonard Theodore Boice; to the Committee on Military Affairs.

S. 1288. An act for the relief of Otto Christian; to the Committee on Military Affairs.

S. 1415. An act to amend sections 5200 and 5202 of the Revised Statutes, as amended, to remove the limitations on national banks in certain cases; to the Committee on Banking and Currency.

#### H. NEWLIN MEGILL

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C., May 2, 1933.

HON. HENRY T. RAINY,

*Speaker of the House of Representatives,*  
Washington, D.C.

DEAR MR. SPEAKER: Desiring to be temporarily absent from my office, I hereby designate Mr. H. Newlin Megill, an official in my office, to sign any and all papers for me which he would be authorized to sign by virtue of this designation and of clause 4, rule III of the House.

Yours respectfully,

SOUTH TRIMBLE,  
*Clerk of the House of Representatives.*

#### FARM RELIEF

The SPEAKER. The question is on agreeing to House Resolution 124. Under the rule the previous question is ordered.

Mr. SNELL. Mr. Speaker, on this resolution I should like a division of the resolution.

The SPEAKER. The gentleman will indicate the division desired.

Mr. SNELL. I would request a division as follows:

The part of the resolution down to and including the language "numbered 1 to 84, inclusive, be, and the same are hereby, disagreed to" will be one proposition, and the language "that Senate amendment numbered 85 be, and the same is hereby, concurred in" will be the second proposition.

The SPEAKER. The Clerk will report the first part of the resolution as indicated by the gentleman from New York.

The Clerk read as follows:

*Resolved*, That immediately upon the adoption of this resolution the bill H.R. 3835, with Senate amendments thereto, be, and the same is hereby, taken from the Speaker's table; that all points of order against said bill or Senate amendments thereto shall be considered as waived; that Senate amendments numbered 1 to 84, inclusive, be, and the same are hereby, disagreed to.

The question was taken; and the first part of the resolution was agreed to.

The SPEAKER. The Clerk will report the remaining part of the resolution.

The Clerk read as follows:

That Senate amendment no. 85 be, and the same is hereby, concurred in; that the conference requested by the Senate on the disagreeing votes of the two Houses be, and the same is hereby, agreed to.

Mr. SNELL. Mr. Speaker, on this part of the resolution I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 307, nays 86, not voting 39, as follows:

[Roll No. 29]

YEAS—307

Abernethy	Darden	Jeffers	O'Connor
Adair	Dear	Jenckes	O'Malley
Adams	Deen	Johnson, Minn.	Oliver, Ala.
Allgood	Delaney	Johnson, Okla.	Oliver, N.Y.
Almon	DeRouen	Johnson, Tex.	Owen
Andrews, N.Y.	Dickinson	Jones	Palmisano
Arens	Dickstein	Keller	Parker, Ga.
Arnold	Dies	Kelly, Ill.	Parks
Auf der Heide	Disney	Kelly, Pa.	Parsons
Ayers, Mont.	Dobbins	Kennedy, Md.	Patman
Ayres, Kans.	Dockweiler	Kenney	Peavey
Bailey	Dondero	Kerr	Peterson
Beam	Doughton	Kleberg	Pettengill
Beiter	Douglass	Kloeb	Peyser
Berlin	Doutrich	Kniffin	Polk
Biermann	Dowell	Knutson	Pou
Bland	Doxey	Kocalkowski	Prall
Bloom	Driver	Kopplemann	Ragon
Boehne	Duffey	Kramer	Ramsay
Bolileau	Duncan, Mo.	Lambertson	Ramspeck
Boland	Dunn	Lambeth	Randolph
Boylan	Durgan, Ind.	Lamneck	Rankin
Brennan	Eagle	Lanham	Reilly
Brooks	Eicher	Lanzetta	Richards
Brown, Ky.	Elzey, Miss.	Larrabee	Robertson
Brunner	Faddis	Lee, Mo.	Rogers, N.H.
Buchanan	Farley	Lehr	Rogers, Okla.
Buck	Fitzgibbons	Lemke	Romjue
Bulwinkle	Fitzpatrick	Lesinski	Rudd
Burch	Flannagan	Lewis, Colo.	Ruffin
Burke, Calif.	Fletcher	Lewis, Md.	Sabath
Burke, Nebr.	Focht	Lindsay	Sanders
Burnham	Ford	Lloyd	Sandlin
Busby	Foulkes	Lozier	Schaefer
Byrns	Frear	Ludlow	Schuetz
Cady	Fuller	Lundeen	Schulte
Caldwell	Fulmer	McCarthy	Sears
Cannon, Mo.	Gasque	McClintic	Secrest
Cannon, Wis.	Gavagan	McCormack	Shallenberger
Carden	Gilchrist	McDuffie	Shannon
Carley	Gillespie	McFarlane	Shoemaker
Carpenter, Kans.	Gillette	McGrath	Sirovich
Carpenter, Nebr.	Glover	McGugin	Sisson
Carter, Wyo.	Goldsborough	McKeown	Smith, Va.
Cartwright	Granfield	McLeod	Smith, Wash.
Cary	Gray	McMillan	Smith, W.Va.
Castellow	Green	McReynolds	Snyder
Celler	Greenwood	McSwain	Somers, N.Y.
Chapman	Gregory	Major	Spence
Christianson	Griswold	Maloney, Conn.	Steagall
Church	Guyer	Maloney, La.	Strong, Tex.
Clark, N.C.	Haines	Mansfield	Stubbs
Cochran, Mo.	Hancock, N.C.	Marland	Studley
Coffin	Hart	Martin, Colo.	Sullivan
Colden	Harter	Martin, Oreg.	Sumners, Tex.
Cole	Hastings	May	Sutphin
Collins, Calif.	Healey	Mead	Swank
Collins, Miss.	Henney	Meeks	Sweeney
Colmer	Hildebrandt	Miller	Tarver
Condon	Hill, Ala.	Milligan	Taylor, Colo.
Cooper, Tenn.	Hill, Knute	Mitchell	Taylor, S.C.
Corning	Hill, Sam B.	Monaghan	Taylor, Tenn.
Cox	Holdale	Montet	Terrell
Cravens	Hope	Moran	Thom
Crosby	Honor	Morehead	Thomason, Tex.
Cross	Howard	Muldowney	Thompson, Ill.
Crosser	Hughes	Musselwhite	Thurston
Crowe	Imhoff	Nesbit	Truax
Cullen	Jacobsen	Norton	Turner
Cummings	James	O'Connell	Umstead

Utterback  
Vinson, Ga.  
Vinson, Ky.  
Wallgren  
Walter  
Warren  
Wearin

Weaver  
Weldeman  
Welch  
Werner  
West, Ohio  
West, Tex.  
White

Whittington  
Wilcox  
Willford  
Williams  
Wilson  
Withrow  
Wolfenden

Wolverton  
Wood, Mo.  
Woodruff  
Woodrum  
Young  
The Speaker

NAYS—86

Allen  
Andrew, Mass.  
Bacharach  
Bacon  
Bakewell  
Beck  
Beedy  
Black  
Blanchard  
Bolton  
Britten  
Brumm  
Carter, Calif.  
Chase  
Claiborne  
Clarke, N.Y.  
Cochran, Pa.  
Connery  
Connolly  
Cooper, Ohio  
Crowther  
Darrow

De Priest  
Dirksen  
Ditter  
Drewry  
Eaton  
Edmonds  
Eltse, Calif.  
Englebright  
Evans  
Fish  
Foss  
Gibson  
Goodwin  
Goss  
Hancock, N.Y.  
Hartley  
Hess  
Higgins  
Hoepfel  
Hollister  
Holmes  
Hooper

Huddleston  
Jenkins  
Kahn  
Kinzer  
Kurtz  
Lehlbach  
Luce  
McFadden  
McLean  
Mapes  
Marshall  
Martin, Mass.  
Merritt  
Millard  
Mott  
Moynihan  
Parker, N.Y.  
Powers  
Ransley  
Reece  
Reid, Ill.  
Rich

Richardson  
Rogers, Mass.  
Seger  
Simpson  
Snell  
Stalker  
Stokes  
Strong, Pa.  
Swick  
Taber  
Tinkham  
Tobey  
Traeger  
Treadway  
Turpin  
Wadsworth  
Watson  
Whitley  
Wigglesworth  
Wolcott

NOT VOTING—39

Bankhead  
Blanton  
Brand  
Brown, Mich.  
Browning  
Buckbee  
Cavicchia  
Chavez  
Crump  
Culkin

Dingell  
Fernandez  
Fiesinger  
Gambrill  
Gifford  
Griffin  
Hamilton  
Harlan  
Johnson, W.Va.  
Kee

Kemp  
Kennedy, N.Y.  
Kvale  
Lea, Calif.  
Montague  
Murdock  
O'Brien  
Perkins  
Pierce  
Rayburn

Reed, N.Y.  
Robinson  
Sadowski  
Scrugham  
Sinclair  
Underwood  
Waldron  
Wood, Ga.  
Zioncheck

So the second part of the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Bankhead (for) with Mr. Reed of New York (against).  
Mr. O'Brien (for) with Mr. Cavicchia (against).  
Mr. Kennedy of New York (for) with Mr. Waldron (against).  
Mr. Sinclair (for) with Mr. Culkin (against).  
Mr. Harlan (for) with Mr. Perkins (against).

Until further notice:

Mr. Blanton with Mr. Gifford.  
Mr. Hamilton with Mr. Buckbee.  
Mr. Zioncheck with Mr. Kvale.

Mr. BYRNS. Mr. Speaker, the following Members are unavoidably absent, but if present they would vote "aye": MESSRS. MONTAGUE, FERNANDEZ, GAMBRILL, PIERCE, SADOWSKY, UNDERWOOD, BROWN of Michigan, BROWNING, KEE, DINGELL, FIESINGER, KEMP, WOOD of Georgia, CRUMP, RAYBURN, JOHNSON of West Virginia, GRIFFIN, CHAVEZ, BRAND, SCRUGHAM, MURDOCK, ROBINSON, and Lea of California.

The result of the vote was announced as above recorded.

On motion of Mr. Pou, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

The SPEAKER appointed the following conferees: Messrs. JONES, FULMER, DOXEY, CLARKE of New York, and HOPE.

COMMITTEE ON RIVERS AND HARBORS

Mr. MANSFIELD. Mr. Speaker, I ask unanimous consent that the Committee on Rivers and Harbors be permitted to hold hearings today and tomorrow during sessions of the House.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

RELIEF OF HARDSHIP AND SUFFERING CAUSED BY UNEMPLOYMENT

Mr. STEAGALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4606), to provide for cooperation by the Federal Government with the several States and Territories and the District of Columbia in relieving the hardship and suffering caused by unemployment, and for other purposes, with Senate amendments, disagree to the Senate amendments, and ask for a conference.

Mr. SNELL. Mr. Speaker, reserving the right to object, is this the \$500,000,000 relief bill?

Mr. STEAGALL. Yes.

The SPEAKER. Is there objection to the request of the gentleman from Alabama? [After a pause.] The Chair



hears none, and appoints the following conferees: Messrs. STEAGALL, GOLDSBOROUGH, and LUCE.

AMENDING CLAUSE 6, OF RULE XVI

Mr. POU. Mr. Speaker, I call up House Resolution 102 from the Committee on Rules.

The Clerk read the resolution, as follows:

House Resolution 102

*Resolved*, That upon the adoption of this resolution clause 6 of rule XVI be, and the same is hereby, amended to read as follows:

"On the demand of any Member, before the question is put, a question shall be divided if it includes propositions so distinct in substance that one being taken away a substantive proposition shall remain: *Provided*, That any motion or resolution to elect members or any portion of the members of the standing committees of the House, and the joint standing committees shall not be divisible, nor shall any resolution or order reported by the Committee on Rules, providing a special order of business, be divisible."

Mr. POU. Mr. Speaker, I yield one half of the hour to the gentleman from Pennsylvania [Mr. RANSLEY]. I do not know whether this side will take half an hour or not. I yield myself 10 minutes.

Mr. Speaker, what this resolution accomplishes may be stated in a very few words. It prevents the division of a report from the Committee on Rules.

According to my recollection, until some 20 years ago it was very seldom the practice of the House to divide a report from the Committee on Rules. Beginning with the administration of Speaker Henderson and continuing through administrations that followed, the practice has grown. I believe it is contrary to good procedure and takes unnecessary time.

Mr. Speaker, the Committee on Rules fixes the program of the House, within certain limits of course. It has frequently been called the political committee of the House, and I submit to the membership on both sides of the House that whether one party is in power or whether another party is in power, a report from the Committee on Rules fixing the order of business ought not to be divisible, and that is all this resolution does.

The Committee on Rules makes a report and proposes a certain order of business. Somebody discovers that it may include two substantive propositions, and the result is two roll calls are required.

We have seen the political pendulum swing very far both ways. It has gone quite far your way and quite far our way. I submit to the membership of this House that in the interest of orderly procedure—and God knows I am not merely seeking more power for the Committee on Rules, a thing I have never done since I have served on the committee—but I do submit regardless of which party is in power that the order of business reported by the Committee on Rules ought not to be subjected to division, and that is all this rule does.

Mr. SNELL. Will the gentleman yield?

Mr. POU. I yield.

Mr. SNELL. I have never found any fault with the Committee on Rules, whether I was in the majority or the minority. I am willing to submit to it in the small minority; but the gentleman must admit that the change he proposes does to a certain extent infringe the rights of every individual Member.

Mr. POU. I say it ought to be done whether my party is in power or your party is in power.

Mr. SNELL. I will not argue that with the gentleman, but I should like to ask him this question. Is this in accordance with the statement made by the Democrats at the beginning of the Seventy-second Congress, when you told the House how liberal the Democratic Party was going to be in protecting the rights of Members?

Mr. POU. I think it is in accordance with that statement. I do not think there is any inconsistency in it. This takes away no power so far as the individual Member is concerned, except he cannot ask for a separate vote. It does curtail the power of the individual Member to that extent. I submit to my beloved friend from New York—and I emphasize the word "beloved" because he knows that for him personally I have genuine affection—

that in our efforts here to blaze the roadway to a new and better day it is a little out of place to be always injecting politics. I submit that the country is not in a mood to tolerate very much longer the repeated injection of politics, when the membership on both sides of the aisle is trying to cooperate and travel along a pathway that will bring us into the sunlight of prosperity.

Mr. SNELL. Mr. Speaker, will the gentleman yield?

Mr. POU. Yes.

Mr. SNELL. Simply to say that I as an individual or the Republican Party as a whole have never made a campaign before the people against the rules of the House, while the Democrats have made the liberalization of the rules as a campaign issue, and when you turn directly around I think I have the right in a general way to call the attention of the country to how you have changed your position when placed in the majority.

Mr. POU. Mr. Speaker, my friend has stated his position, and I have stated what I believe to be the position of the majority. We are doing what we believe is necessary to assist in carrying out a great program for the rehabilitation of this Nation, and I believe, as I said in the beginning, that the resolution that has been reported will make for orderly procedure and will not curtail the legislative liberty of the individual Member. I reserve the remainder of my time.

Mr. RANSLEY. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey [Mr. LEHLBACH].

Mr. LEHLBACH. Mr. Speaker, the practice has obtained here in this House from the very beginning, with reference to reports from the Committee on Rules, as well as the reports from any other committee, to call for a division of a subject containing several propositions not interrelated. The purpose of that practice was most graphically illustrated a few moments ago when, upon the request of the gentleman from New York [Mr. SNELL], House Resolution 124 was divided and the two separate and distinct propositions contained therein were voted upon separately. That has been the practice of this House from the very beginning. That resolution contained two distinct propositions. One proposition was to disagree to and send to conference 84 amendments of the Senate dealing with the farm-relief portion of the bill in question. The other proposition was to agree to amendment no. 85, which was the provision looking to the inflation of our currency—two absolutely separate propositions. A Member might support one and not the other, and in accordance with the wise rules of the House any Member had the right up to the time when we pass this resolution to demand such a division. It is the greatest protection of the individual Member and the greatest protection of the minority in our rules at the present time. What wrong is there about a man who wants to further farm relief amendments of the Senate having the right to vote "yes" on them, and if he is not in sympathy with the inflation provisions, having the right to vote "no" on them?

But under this proposition, if he wants to help the farm provisions along on the one hand, he has also to vote for a subject that has nothing to do with it, and about which he has a different opinion from the proponents of the resolution. Why is it not right to divide these questions, including resolutions coming from the Committee on Rules? The gentleman from North Carolina [Mr. POU] said that "recently" the practice had sprung up of embracing in the divisibility rule resolutions reported by the Committee on Rules. I do not believe the gentleman can find a precedent in the entire history of the House but that says that a rule is just as divisible as any other proposition brought up for consideration of the Membership of the House. For that reason I say that this is putting a yoke, tying a collar around the necks of the individual Members, something which has never before been attempted in the history of the House. This goes away beyond any gag rule. No matter how gagging a rule may be brought in here by the Committee on Rules, if it contains separate propositions, we should have the right to vote separately upon them, and this proposition takes the last vestige of independence from us. It is thoroughly vicious, it is drastic, it is taking from the Membership



of the House the last right to give expression to their views, and to voice here the opinions and views of the constituents they represent.

Mr. POU. Mr. Speaker, I yield 5 minutes to the gentleman from Tennessee [Mr. BYRNS].

Mr. BYRNS. Mr. Speaker, I hope this resolution will be adopted. It seems to me, as was said by the gentleman from North Carolina [Mr. POU], it is necessary in the interest of the proper procedure of the House. I understand, as gentlemen understand, that these rules are reported with reference to bills pending before the Committee on Rules, with a certain plan of procedure, and I can well understand, where one proposition is voted out and others left in it might result in confusion and destroy the whole purpose of the rule. It seems to me this report made by the Committee on Rules providing that there shall be no division with reference to any report made by that standing committee is not only wise but necessary in order to carry out its recommendation to the House. After all, when the rule comes before the House, it is a question with the House as to whether or not it will be willing to adopt it or change it. I repeat, I can plainly see where in some cases occasion may arise when some portion of the rule will be stricken out and leave in some provision without any reference to what may have been done or may come after.

Mr. McFARLANE. Mr. Speaker, will the gentleman yield?

Mr. BYRNS. Yes.

Mr. McFARLANE. What is the necessity for the change at this time? Tell us what you have in mind?

Mr. BYRNS. I have nothing in mind except, as I stated, that I believe it is necessary to proper procedure in this House, and I agree with the gentleman from North Carolina that I think it ought to be adopted without reference to politics, no matter what party is in power, because, as I said a moment ago, I can see the possibility when a rule is presented here and when a motion is made for a division that the House might strike out some provision in the rule reported which would destroy the purpose of the rule and without which the rule would not have been reported. I therefore think that in the interest of good procedure this resolution should be adopted.

Mr. WARREN. Will the gentleman yield?

Mr. BYRNS. I yield.

Mr. WARREN. Did not exactly that same thing occur in the economy bill last May?

Mr. BYRNS. Exactly. It is to avoid just such a situation as occurred in that bill that this is being done.

Mr. MARTIN of Massachusetts. Will the gentleman yield?

Mr. BYRNS. I yield.

Mr. MARTIN of Massachusetts. This rule was reported about 20 days ago. Why was it held until just before this appropriation bill came up? Is there any significance in that?

Mr. BYRNS. I do not think there is any particular reason for that. It has been on the calendar for that time and could be called up at any time. I do know that in face of the fact that the gentleman from New York asked for a division a moment ago the gentleman from North Carolina [Mr. POU] refrained from proposing it in order to permit you to have that division. So there was no purpose in holding it back until this time. The gentleman knows there have come from his committee many rules which have been held on the calendar for a considerable length of time before they were taken up for consideration.

Mr. CLARKE of New York. Will the gentleman yield?

Mr. BYRNS. I yield.

Mr. CLARKE of New York. Would the gentleman mind if we put on an amendment providing that no Chairman of the Committee on Rules should be allowed to carry a rule in his pocket for twenty-odd days? Would the gentleman be willing to have that amendment incorporated in this resolution?

Mr. BYRNS. Well, I do not exactly understand the query of the gentleman.

Mr. POU. Under the rules now that cannot be done.

Mr. CLARKE of New York. This very rule we are now discussing has been carried around by the chairman in his pocket for the Lord knows how many weeks, and only when an emergency arose was it necessary to bring it in, when you got afraid of your own Members running away with your proposition and you wanted to ram it down their throats and prevent them from voicing their protests.

Mr. BYRNS. It has been on the calendar and not in the pocket of the chairman. Now, let us be frank about the matter. The President has recommended as an amendment to the appropriation bill certain legislation. It is coming before this House. It is not a political matter, but it is in the interest of economy. The purpose of the gentleman's party is to demand a division and possibly defeat some of that legislation.

Mr. CLARKE of New York. In the depth of his heart the gentleman knows it is a political proposition.

Mr. BYRNS. I know nothing of the sort.

Mr. CLARKE of New York. With a two-thirds majority in this House, you are trying to jam this gag rule down Democratic throats, and it is an outrage on them, as well as on us Republicans, who do not like gag rules.

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. RANSLEY. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. BACON].

Mr. BACON. Mr. Speaker, I am opposed to this rule. There have been two very illuminating discussions of the reasons for this rule, and both of those discussions were made by leading Democrats. In the Seventy-second Congress, Mr. CANNON of Missouri discussed at length the reasons for this rule at the time he invoked it. He pointed out that the reason for the rule was the protection of the minority. At one place the gentleman said:

It is a right which has come down to us from the First Congress, and when properly invoked has never been denied from that time to this.

Speaker Garner sustained Mr. CANNON's question for a division and overruled a point of order made against it.

In the very able and liberal discussion of the rule which Mr. CANNON made on April 27, 1932, he referred to a previous occasion when this rule was discussed. Mr. Fitzgerald, Democratic Chairman of the Appropriations Committee, asked for the division of a rule that was prepared by Mr. Cannon, the Speaker, who was also a member of the Rules Committee, with Mr. Dalzell, and Mr. John Sharp Williams, the only minority member. Mr. Fitzgerald again pointed out that this rule was in the interests of the protection of the minority.

"Under this rule", he said, "which the Committee on Rules has not yet abrogated, a Member of the House is entitled to demand, before the question is put, that a separate vote be taken upon each substantive proposition in this resolution. Since the majority has exercised the power under the rules of the House to strip the minority of all its rights, some of the minority will insist upon the few rights that are still left under the rules for the rest of this session." [Loud applause on the Democratic side.]

I do not hear any Democratic applause today.

Mr. LEHLBACH. Will the gentleman yield right there?

Mr. BACON. Gladly.

Mr. LEHLBACH. And that was in 1908?

Mr. BACON. That was in 1908.

Mr. LEHLBACH. When Speaker Cannon was vested with all the powers that the Speakers in those times exercised, when he was known throughout the country as a czar, and when he and the gentleman from Pennsylvania, Mr. Dalzell, ruled this House with an iron hand, and yet "Czar" Cannon and Dalzell would not take from the minority the right to divide a rule coming from the Committee on Rules?

Mr. BACON. That was also carefully pointed out by Mr. CANNON in 1932, in discussing the fight that Mr. Fitzgerald made for the rights of the minority when he said:

In this connection it may be recalled that the Committee on Rules at that time consisted of but three members—Mr. Dalzell, of Pennsylvania; Mr. Speaker Cannon, of Illinois; and Mr. John Sharp Williams, of Mississippi. Speaker Cannon was at that time at the zenith of his power. His control of the legislative program



of the House was absolute and undisputed. He was referred to in every newspaper as "the czar."

He had personally supervised the drafting of this rule. But when Mr. Fitzgerald demanded a separate vote on 1 of the 5 propositions carried by the rule the request was so obviously within his rights under the section of the rules of the House which the Speaker had just read that, although it was vigorously objected to by Mr. Dalzell and other parliamentarians on the majority side, Speaker Cannon held that he was entitled to a separate vote upon that one clause, and put the question.

As one member of the minority, I protest once more at the gag which the majority is placing upon the minority. They are changing a rule that is as old as Congress, a rule that Speaker Reed and Speaker Cannon never dared suggest changing. Why should the Democrats wish to trample on the rights of the minority, rights affirmed and concurred in for 72 Congress? Is it because the Democratic leadership do not trust their own huge majority of 200? Do they fear their ability to lead? I for one oppose this drastic rule.

I rest my case on two very liberal Democrats of the past, particularly Mr. Fitzgerald, of New York, a very noted chairman of the Committee on Appropriations. [Applause.]

Mr. LEHLBACH. Mr. Speaker, I yield 15 minutes to the gentleman from Massachusetts [Mr. LUCE].

Mr. LUCE. Mr. Speaker, the concluding remarks of the gentleman from North Carolina call for a few words. I shall not take all the time allotted to me.

He gently chided the minority for not acceding without demur to the proposals brought here to meet the great emergency. I would call to his attention and to that of the House the purposes of the two-party system. It is one of the great developments in parliamentary history. It is one of the great advantages which Anglo-Saxon people enjoy in the conduct of their governmental affairs, in marked contrast to other countries of the world where there are many parties. In England, in this country, and in all other English-speaking lands it has been found of great benefit to have opposing points of view presented; and we have reached that stage where we hold it both a public gain and a party duty, a responsibility we may not shirk.

The gentleman from North Carolina has been here much longer than I have and so has had much more opportunity to observe that criticisms by the minority party have again and again produced better legislation. We need go back no farther than last year to find illustrations of the advantages that have accrued from the detailed study of measures. One that we neglected to perfect here went over to the Senate where were made more than 40 amendments that then approved themselves to the House. It being the duty of the minority, the obligation, the responsibility, to criticize, there should be no sharp rejoinder in case we try to perform this duty. We ought to do it courteously, in no captious fashion, with no desire to obstruct, but with the desire to give help that only can come from men of a different cast of mind who are united together in what we call a political party.

Yesterday this House adopted probably the most important proposal affecting the welfare of this country, and indeed of the world, that has ever come before it. I venture to say the gentleman can present no instance in the history of parliamentary bodies where a more serious and far-reaching proposal was ever considered, and I do not except even the emergency of war, than the one we considered yesterday. Yet the minority were refused the opportunity to try to help improve the proposal by motions to instruct conferees. Perhaps we could not have done it. Perhaps the proposal was perfect. I have never seen anything perfect yet come from the brains of men, but possibly in this instance it was beyond improvement. Nevertheless, I believe that public advantage would have accrued if there could have been opportunity to apply the customary form of procedure in the way of proposal of change.

Now, sir, I realize that control of a legislative body as large as this is imperative; that there must be what we call leadership; and I have no desire to make hasty or unkind

comments upon the leadership of the past 2 months. Yet it does seem to me that the public welfare would have been better secured if the minority had been given more opportunity to function.

Twenty-three years ago the greater part of the Members of this House came to the conclusion that there ought to be more opportunity for the minority to be heard and to assert itself. It is not even necessary to mention party names in connection therewith. I am talking only of principles. You will recall that the House, in its good judgment, decided it would be better if there were less control. Just one instance of what has been taking place since then: One of the reforms, as they were called, was the adoption of Calendar Wednesday. I came here 10 years or so after that reform had been adopted. It was still championed and supported and defended by the gentleman who had shared in its creation.

Leaders of the party then taking control gradually allowed Calendar Wednesday to wane in importance, and when the other side came into control 2 years ago they allowed it to disappear. Thus one of the great advantages that was sought in the liberalizing of the rules has now gone into what a good and great Democrat called innocuous desuetude.

In the present instance there comes to the surface extension of power and leadership to which we call attention. It is not because we fail to recognize the difficulties under which the present leadership of the House works. We understand the problems presented by the control of a large number of new Members unacquainted with the importance of preserving the integrity of parliamentary procedure. We understand the difficulty in controlling men who desire to have some share in the proceedings of the House. We appreciate that they are restless and that they must be held down with an iron hand if we are to accomplish our purposes, but in this case we think the leadership may have gone beyond bounds of prudence and may have established a rule that will return to work harm on those who have framed that rule. [Applause.]

Mr. O'CONNOR. Mr. Speaker, we have been talking about a matter, the importance of which has been greatly exaggerated. We have listened to appeals to preserve the rights of the minority and how that great liberal Speaker of the old days of 1908, the gentleman from Illinois, Mr. Cannon, would not go so far as to interfere with the rights of the minority. Why, Speaker Cannon or Speaker Clark or Speaker Garner could not have done anything different from what they did do, because clause 6 of rule XVI of the rules of the House provided that on any motion, any substantive matter could be separated, if it were divisible, and a separate vote had upon it. So when Speaker Cannon ruled as he did, and Speaker Clark, in the Sixty-second Congress, and Speaker Garner in the Seventy-second Congress, they were confronted with that rule and could not evade it.

This is just what we propose to do here today. We have added to the present rule one clause, "nor shall any resolution or order reported by the Committee on Rules, providing a special order of business be divisible." The rest of the resolution is the present rule.

This change in the rules was not thought up just yesterday or even last month. It was part of a somewhat general revision of the rules of the House. It is only 1 of 5 or 6 proposed changes, some of which have been brought in here and passed and some of which are still under consideration. The rule was not held in the pocket of the Chairman of the Rules Committee, as charged here today. It was reported to the House and has been on the House Calendar since April 10, which is a situation quite different from "pocketing a rule", a la Campbell.

The necessity for this rule was brought to the attention of the House last April in connection with the consideration of the economy bill. In that instance a rule was brought in to consider the economy bill and a decision was had on the rule. Because of the experience of the House at that time,

the Rules Committee, without reference to any particular legislation, recalling only that incident, decided in the very early part of this session to change the rules.

Now, what is the effect of this change in the rules? The gentleman from New Jersey [Mr. LEHLBACH] got very much excited about "protecting the rights of the minority." The gentleman knows, good parliamentarian that he is, how he could get a separate vote or amend a rule, merely by voting down the previous question on the rule and then amending it—to strike out a part or to insert some provision, so that when you are all through with either method you reach the same result.

But why does the leadership of this House want the rule? When the Rules Committee, as the distinguished chairman of the committee has said, lays out a plan for the consideration of a measure in this House, every part of the plan is necessary for its consideration.

In the economy bill last April this is what could have happened: The gentleman from Missouri [Mr. CANNON] demanded a separate vote on three lines of the resolution. When Speaker Garner sustained his contention that under the general rule as to divisibility, it applied to resolutions from the Rules Committee. This meant a separate vote on these three lines, and also, of course, a separate vote on the rest of the resolution. If he had been defeated in his attempt to strike out those three lines and they had remained and the rest of the resolution had been stricken out, you would have had the perfectly ridiculous situation of having the title to a bill and a clause in the bill which did not mean anything.

Mr. LEHLBACH. Will the gentleman yield?

Mr. O'CONNOR. I yield.

Mr. LEHLBACH. That very argument was made on the floor and was met by Speaker Garner with the statement that the presumption is that the House will act intelligently.

Mr. O'CONNOR. He was talking, maybe, about the Seventy-second Congress. [Laughter.]

There was no argument last April about the rights of the minority. All that Mr. CANNON of Missouri was arguing was the rules or the precedents and that Speakers were bound by the standing rules of the House. There was never any question but that we could change the rules, so that there could not be a separate vote on a resolution from the Rules Committee.

Now, take the resolution that is coming in to consider the independent offices bill and let us be frank about it. Suppose you take one paragraph of that resolution and demand a separate vote and vote that out. This may make the rest of the rule absolutely meaningless. You can accomplish the same purpose in another way, and let me state to my Democratic colleagues, do not let this molasses talk we are hearing every day over on the other side ensnare any of you. They are going to vote against this rule, I imagine, solely because we want it. They have had this in their own minds for years. If they were in power, after the experience with the economy bill, they would have been in here last December with this rule.

So the Rules Committee believes that in the orderly conduct of the business of the House, without interfering in any way with the rights of any minority or any individual Member, when they bring in a rule the whole plan should be carried out or the whole plan should be defeated by voting down the rule or changed, as you may see fit, by voting down the previous question and amending the rule. [Applause.]

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the adoption of the resolution.

The question was taken; and on a division (demanded by Mr. SNELL) there were 125 ayes and 59 noes.

Mr. SNELL. Mr. Speaker, I object to the vote on the ground that there is no quorum present.

The SPEAKER. The Chair will count.

Mr. SNELL. Mr. Speaker, I will withdraw that and ask for the yeas and nays on the proposition.

The yeas and nays were ordered.

The question was taken; and there were—yeas 240, nays 142, not voting 48, as follows:

[Roll No. 30]

YEAS—241

Adair	Delaney	Kloeb	Richardson
Adams	DeRouen	Kniffin	Robertson
Allgood	Dickinson	Kocalkowski	Robinson
Almon	Dickstein	Kopplemann	Rogers, N.H.
Arnold	Dies	Kramer	Romjue
Auf der Heide	Disney	Lamneck	Rudd
Ayres, Kans.	Dobbins	Lanham	Ruffin
Bailey	Dockweiler	Larrabee	Sabath
Beiter	Doughton	Lee, Mo.	Sanders
Berlin	Douglass	Lesinski	Sandlin
Biermann	Doxey	Lewis, Colo.	Schaefer
Black	Drewry	Lindsay	Schuetz
Bland	Driver	Lloyd	Schulte
Bloom	Duffey	Lozier	Scrugham
Boehne	Duncan, Mo.	Ludlow	Sears
Boland	Durgan, Ind.	McCarthy	Shallenberger
Boylan	Eagle	McClintic	Sirovich
Brennan	Elcher	McCormack	Sisson
Brooks	Ellzey, Miss.	McDuffie	Smith, Va.
Brown, Ky.	Faddis	McGrath	Smith, W.Va.
Brown, Mich.	Farley	McKeown	Snyder
Brunner	Fitzgibbons	McReynolds	Spence
Buchanan	Fitzpatrick	McSwain	Steagall
Buck	Flannagan	Major	Strong, Tex.
Bulwinkle	Fletcher	Maloney, Conn.	Stubbs
Burch	Ford	Maloney, La.	Studley
Burke, Calif.	Fuller	Mansfield	Sullivan
Busby	Fulmer	Marland	Summers, Tex.
Byrns	Gasque	Martin, Colo.	Sutphin
Cady	Gillespie	Martin, Oreg.	Swank
Caldwell	Gillette	May	Sweeney
Cannon, Mo.	Glover	Meeks	Tarver
Carden	Goldsborough	Miller	Taylor, Colo.
Carley	Goss	Milligan	Taylor, S.C.
Carpenter, Nebr.	Granfield	Mitchell	Thom
Cartwright	Gray	Montet	Thomason, Tex.
Cary	Green	Moran	Thompson, Ill.
Castellow	Greenwood	Musselwhite	Truax
Celler	Gregory	Nesbit	Turner
Chapman	Griswold	Norton	Umstead
Clark, N.C.	Haines	O'Connell	Utterback
Cochran, Mo.	Hart	O'Connor	Vinson, Ga.
Coffin	Hastings	Oliver, Ala.	Vinson, Ky.
Colden	Healey	Oliver, N.Y.	Wallgren
Cole	Henney	Owen	Walter
Collins, Miss.	Hill, Sam B.	Palmisano	Warren
Colmer	Holdale	Parker, Ga.	Wearin
Condon	Huddleston	Parks	Weaver
Cooper, Tenn.	Hughes	Parsons	Weldeman
Corning	Imhoff	Patman	West, Ohio
Cox	Jacobsen	Peterson	West, Tex.
Cravens	Jeffers	Pettengill	Whittington
Crosby	Jenckes	Peyser	Wilcox
Cross	Johnson, Okla.	Pou	Willford
Crowe	Johnson, Tex.	Prall	Williams
Crump	Jones	Ragon	Wilson
Cullen	Kemp	Ramsay	Wood, Ga.
Cummings	Kennedy, Md.	Ramspeck	Woodrum
Darden	Kenney	Randolph	
Dear	Kerr	Rankin	
Deen	Kleberg	Rayburn	

NAYS—142

Allen	Ditter	Kahn	Peavey
Andrew, Mass.	Dondero	Keller	Polk
Andrews, N.Y.	Doutrich	Kelly, Ill.	Powers
Arens	Dowell	Kelly, Pa.	Ransley
Ayers, Mont.	Dunn	Kinzer	Reece
Bacharach	Edmonds	Knutson	Reid, Ill.
Bacon	Englebright	Kurtz	Relly
Bakewell	Evans	Lambertson	Rich
Beam	Fish	Lambeth	Rogers, Mass.
Beck	Focht	Lanzetta	Rogers, Okla.
Blanchard	Foss	Lehlbach	Secrest
Boileau	Frear	Lehr	Seger
Bolton	Gavagan	Lemke	Shannon
Britten	Gibson	Luce	Shoemaker
Brumm	Gilchrist	McFadden	Smith, Wash.
Burke, Nebr.	Goodwin	McFarlane	Snell
Burnham	Guyer	McGugin	Somers, N.Y.
Cannon, Wis.	Hancock, N.Y.	McLean	Stalker
Carpenter, Kans.	Hancock, N.C.	McLeod	Stokes
Carter, Wyo.	Hartley	McMillan	Strong, Pa.
Chase	Hess	Mapes	Swick
Christianson	Hildebrandt	Marshall	Taber
Claiborne	Hill, Ala.	Martin, Mass.	Taylor, Tenn.
Clarke, N.Y.	Hill, Knute	Merritt	Terrell
Cochran, Pa.	Hoeppel	Millard	Thurston
Collins, Calif.	Hollister	Monaghan	Tinkham
Connery	Holmes	Morehead	Tobey
Connolly	Hooper	Mott	Traeger
Crosser	Hope	Moynihan	Treadway
Crowther	Howard	Muldorney	Turpin
Darrow	James	Murdock	Wadsworth
De Priest	Jenkins	O'Malley	Watson
Dirksen	Johnson, Minn.	Parker, N.Y.	Welch



Werner	Withrow	Wolverton	Woodruff
Whitley	Wolcott	Wood, Mo.	Young
Wigglesworth	Wolfenden		

## NOT VOTING—48

Abernethy	Culkin	Harter	O'Brien
Bankhead	Dingell	Higgins	Perkins
Beedy	Eaton	Hornor	Pierce
Blanton	Eitse, Calif.	Johnson, W. Va.	Reed, N.Y.
Brand	Fernandez	Kee	Richards
Browning	Fiesinger	Kennedy, N.Y.	Sadowski
Buckbee	Foulkes	Kvale	Simpson
Carter, Calif.	Gambrill	Lea, Calif.	Sinclair
Caviechia	Gifford	Lewis, Md.	Underwood
Chavez	Griffin	Lundeen	Waldron
Church	Hamilton	Mead	White
Cooper, Ohio	Harlan	Montague	Zioncheck

So the resolution was agreed to.

The following pairs were announced:

On the vote:

Mr. O'Brien (for) with Mr. Caviechia (against).  
 Mr. Fernandez (for) with Mr. Culkin (against).  
 Mr. Sadowski (for) with Mr. Buckbee (against).  
 Mr. Dingell (for) with Mr. Perkins (against).  
 Mr. Bankhead (for) with Mr. Reed of New York (against).  
 Mr. Kennedy of New York (for) with Mr. Waldron (against).  
 Mr. Gambrill (for) with Mr. Higgins (against).  
 Mr. Browning (for) with Mr. Beedy (against).  
 Mr. Chavez (for) with Mr. Cooper of Ohio (against).  
 Mr. Griffin (for) with Mr. Simpson (against).  
 Mr. Mead (for) with Mr. Carter of California (against).

Until further notice:

Mr. Blanton with Mr. Gifford.  
 Mr. Harlan with Mr. Eaton.  
 Mr. Abernethy with Mr. Sinclair.  
 Mr. Kee with Mr. Eitse of California.  
 Mr. Lewis of Maryland with Mr. Kvale.  
 Mr. Underwood with Mr. Lundeen.  
 Mr. Brand of Georgia with Mr. Harter.  
 Mr. Fiesinger with Mr. Foulkes.  
 Mr. Hornor with Mr. Church.  
 Mr. Ludlow with Mr. Pierce.  
 Mr. Montague with Mr. Richards.  
 Mr. Lea of California with Mr. White.  
 Mr. Johnson of West Virginia with Mr. Zioncheck.

Mr. CANNON of Missouri. Mr. Speaker, I desire to change my vote from "nay" to "aye" in order to move reconsideration.

The result of the vote was announced as above recorded.

Mr. CANNON of Missouri. Mr. Speaker, I was engaged on a committee report and did not have the opportunity to hear the debate on this resolution, and am much surprised on reaching the floor to find a vote being taken to repeal the oldest rule of the House. This rule was adopted by the First Congress when it assembled and organized in New York in 1789. In fact, it is older than the House itself, as it was in force in the Continental Congress. It is astounding that anyone should suggest repealing it. It is not only hallowed by years and by the decisions of every Speaker from Muhlenberg to Longworth, but it is a fundamental adjunct to free government and is in use in every free legislative body in the world today. It guarantees the rule of the majority, and any effort to abrogate it must have as its objective the rule of less than a majority. There can be no other explanation of this proposal. The only purpose in denying the right of Members to vote on the separate propositions submitted to the House is to sandwich in with worthy issues questionable propositions they do not dare to submit on their own merits. The resolution before you is an instrument to be used by a few men in forcing down the throats of the rest of us measures so objectionable and at such variance with public sentiment that they could not be passed if voted on separately.

Mr. Speaker, this rule is one of the ancient landmarks in parliamentary procedure. It has come down to us from the time of Jefferson. It has been a part of the law of this House for a hundred and fifty years, and in all this century and a half no one before has ever proposed to lay sacrilegious hands upon it. And after it has thus served with the universal endorsement of all Speakers of all parties for 72 Congresses, it is unthinkable that the Seventy-third Congress should now wantonly destroy it for the sake of a little petty partisan advantage. It would be like an ignorant centurion burning the priceless books of a great Alexandrian library to keep warm on a chill night. It would be like destroying an ancient Greek temple to secure material

for a pigsty. There is a parliamentary vandalism, Mr. Speaker, as reprehensible as that of any vandal who ever marred the paintings or broke the statuary in the Hall of Fame.

And the sad feature of the situation is that it is wholly unnecessary. There is no purpose which can be served by this extraordinary procedure which cannot be as effectually served by such reports from the Committee on Rules as are almost daily presented on this floor. It lacks even the excuse of expediency. Every Democratic legislative program since the establishment of the Democratic Party has been effectuated with this rule in full force and effect, and any future program of the Democratic Party can be as quickly and as fully consummated without this ruthless sabotage of the rules of the House.

Mr. Speaker, older Members about me here say this resolution has been brought up unexpectedly and without due notice. Surely the Members of the House cannot appreciate its full significance. They do not realize that they are voting on a proposition to destroy a rule that is older than the Capitol Building in which we sit—one of the fundamental guaranties of democratic government. For that reason, Mr. Speaker, I desire to enter a motion to reconsider the vote by which the resolution has just been adopted, in order that we may have an opportunity for some deliberate consideration before we take this unprecedented step.

Mr. O'CONNOR. Mr. Speaker, I move to lay the motion of the gentleman from Missouri on the table.

Mr. CANNON of Missouri. And on that, Mr. Speaker, I demand the yeas and nays.

Mr. BRITTEN. Mr. Speaker, because of the noise and confusion it is impossible to hear what is going on.

The SPEAKER. The gentleman from Missouri moved to reconsider the vote, and the gentleman from New York moved to lay that motion on the table. The question is on ordering the yeas and nays.

The yeas and nays were ordered.

Mr. CANNON of Missouri. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

Mr. O'CONNOR. I object.

Mr. SNELL. Mr. Speaker, let us understand what we are voting on. See if I am correct. The vote is on laying the motion on the table.

The SPEAKER. The vote is on the motion of the gentleman from New York to lay the motion of the gentleman from Missouri on the table.

The question was taken; and there were—yeas 220, nays 140, not voting 71, as follows:

[Roll No. 31]

YEAS—220

Adair	Cochran, Mo.	Faddis	Kniffin
Adams	Coffin	Farley	Kocialkowski
Arnold	Colden	Fitzpatrick	Kopplemann
Auf der Heide	Cole	Flannagan	Kramer
Ayres, Kans.	Collins, Miss.	Ford	Lanham
Bailey	Colmer	Fuller	Lanzetta
Beiter	Cooper, Tenn.	Fulmer	Larrabee
Berlin	Corning	Gasque	Lee, Mo.
Biermann	Cox	Gillespie	Lewis, Colo.
Black	Cravens	Glover	Lindsay
Bland	Cross	Goldsborough	Lloyd
Bloom	Crowe	Goss	Lozier
Boehne	Crump	Granfield	Ludlow
Boylan	Cullen	Gray	McCarthy
Brennan	Cummings	Green	McClintic
Brooks	Darden	Greenwood	McCormack
Brown, Ky.	Dear	Gregory	McDuffie
Brunner	Deen	Haines	McGrath
Buchanan	Delaney	Harter	McKeown
Buck	DeRouen	Hastings	McReynolds
Burch	Dickinson	Healey	McSwain
Burke, Calif.	Dickstein	Henney	Major
Busby	Dies	Hill, Sam B.	Maloney, Conn.
Byrns	Dobbins	Hoidale	Maloney, La.
Caldwell	Dockweller	Huddleston	Mansfield
Carden	Doughton	Jacobsen	Marland
Carley	Douglass	Jeffers	Martin, Colo.
Carpenter, Nebr.	Doxey	Johnson, Okla.	May
Cartwright	Drewry	Johnson, Tex.	Mead
Cary	Driver	Johnson, W. Va.	Meeks
Castellow	Duffey	Jones	Miller
Celler	Duncan, Mo.	Kemp	Milligan
Chapman	Durgan, Ind.	Kennedy, Md.	Mitchell
Chavez	Eagle	Kenney	Montet
Church	Eicher	Kieberg	Musselwh
Clark, N.C.	Ellzey, Miss.	Kloeb	Nesbit

Norton	Randolph	Smith, Va.	Turner
O'Connell	Rayburn	Smith, W.Va.	Umstead
O'Connor	Richards	Snyder	Vinson, Ga.
Oliver, Ala.	Richardson	Somers, N.Y.	Vinson, Ky.
Oliver, N.Y.	Robertson	Spence	Wallgren
Owen	Rogers, N.H.	Steagall	Walter
Parker, Ga.	Romjue	Strong, Tex.	Warren
Parks	Rudd	Stubbs	Wearin
Parsons	Ruffin	Studley	Weaver
Patman	Sabath	Sullivan	West, Ohio
Peavey	Sanders	Summers, Tex.	West, Tex.
Peterson	Sandlin	Sutphin	White
Pettengill	Schaefer	Swank	Whittington
Peyser	Schuetz	Sweeney	Willcox
Pou	Schulte	Tarver	Willford
Prall	Sears	Taylor, Colo.	Williams
Ragon	Shallenberger	Thom	Wilson
Ramsay	Sirovich	Thompson, Ill.	Wood, Ga.
Ramspeck	Sisson	Truax	Woodrum

## NAYS—140

Allen	Dowell	Keller	Rogers, Okla.
Andrew, Mass.	Dunn	Kelly, Ill.	Secrest
Andrews, N.Y.	Eaton	Kelly, Pa.	Seger
Arens	Edmonds	Kinzer	Shannon
Ayers, Mont.	Eltse, Calif.	Knutson	Shoemaker
Bacharach	Englebright	Kurtz	Smith, Wash.
Bacon	Evans	Lambertson	Snell
Bakewell	Fish	Lambeth	Stalker
Beam	Fletcher	Lamneck	Stokes
Blanchard	Focht	Lehlbach	Strong, Pa.
Bolleau	Foss	Lehr	Swick
Bolton	Frear	Lemke	Taber
Britten	Gavagan	Luce	Taylor, S.C.
Brumm	Gibson	Lundeen	Taylor, Tenn.
Burke, Nebr.	Gilchrist	McFadden	Terrell
Burnham	Griswold	McFarlane	Thomason, Tex.
Cannon, Mo.	Guyer	McLean	Thurston
Carpenter, Kans.	Hancock, N.Y.	McLeod	Tobey
Carter, Calif.	Hancock, N.C.	Marshall	Traeger
Carter, Wyo.	Hartley	Martin, Mass.	Treadway
Chase	Hess	Merritt	Turpin
Christianson	Hildebrandt	Millard	Utterback
Claiborne	Hill, Ala.	Moran	Wadsworth
Clarke, N.Y.	Hill, Knute	Morehead	Watson
Cochran, Pa.	Hoeppel	Mott	Weideman
Collins, Calif.	Hollister	O'Malley	Welch
Condon	Holmes	Parker, N.Y.	Werner
Connolly	Hooper	Polk	Whitley
Crosser	Howard	Powers	Wigglesworth
Crowther	Imhoff	Rankin	Withrow
Darrow	James	Ransley	Wolcott
De Priest	Jenkins	Reid, Ill.	Wolfenden
Dirksen	Johnson, Minn.	Rich	Wolverton
Ditter	Kahn	Rogers, Mass.	Wood, Mo.
Doutrich			Young

## NOT VOTING—71

Abernethy	Crosby	Hornor	O'Brien
Allgood	Culkin	Hughes	Palmisano
Almon	Dingell	Jenckes	Perkins
Bankhead	Disney	Kee	Pierce
Beck	Dondero	Kennedy, N.Y.	Reece
Beedy	Fernandez	Kerr	Reed, N.Y.
Blanton	Fiesinger	Kvale	Reilly
Boland	Fitzgibbons	Lea, Calif.	Robinson
Brand	Foulkes	Lesinski	Sadowski
Brown, Mich.	Gambrill	Lewis, Md.	Scrugham
Browning	Gifford	McGugin	Simpson
Buckbee	Gillette	McMillan	Sinclair
Bulwinkle	Goodwin	Martin, Oreg.	Tinkham
Cady	Griffin	Monaghan	Underwood
Cannon, Wis.	Hamilton	Montague	Waldron
Caviechia	Harlan	Moynihan	Woodruff
Connery	Hart	Muldowney	Zioncheck
Cooper, Ohio	Higgins	Murdock	

So the motion to lay the motion to reconsider on the table was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. O'Brien (for) with Mr. Caviechia (against).  
 Mr. Fernandez (for) with Mr. Culkin (against).  
 Mr. Sadowski (for) with Mr. Buckbee (against).  
 Mr. Dingell (for) with Mr. Perkins (against).  
 Mr. Bankhead (for) with Mr. Reed of New York (against).  
 Mr. Kennedy of New York (for) with Mr. Waldron (against).  
 Mr. Gambrill (for) with Mr. Higgins (against).  
 Mr. Browning (for) with Mr. Beedy (against).  
 Mr. Griffin (for) with Mr. Simpson (against).  
 Mrs. Jenckes (for) with Mr. Woodruff (against).  
 Mr. McMillan (for) with Mr. Cooper of Ohio (against).  
 Mr. Allgood (for) with Mr. Beck (against).  
 Mr. Hornor (for) with Mr. Muldowney (against).  
 Mr. Almon (for) with Mr. Tinkham (against).

Additional general pairs:

Mr. Blanton with Mr. Gifford.  
 Mr. Lewis of Maryland with Mr. Kvale.  
 Mr. Connery with Mr. Dondero.  
 Mr. Abernethy with Mr. Sinclair.  
 Mr. Hart with Mr. Goodwin.  
 Mr. Cannon of Wisconsin with Mr. Reece.  
 Mr. Martin of Oregon with Mr. Moynihan.

Mr. Reilly with Mr. McGugin.  
 Mr. Boland with Mr. Kerr.  
 Mr. Bulwinkle with Mr. Lesinski.  
 Mr. Palmisano with Mr. Cady.  
 Mr. Murdock with Mr. Robinson.  
 Mr. Scrugham with Mr. Brown of Michigan.  
 Mr. Underwood with Mr. Zioncheck.  
 Mr. Kee with Mr. Hamilton.  
 Mr. Fiesinger with Mr. Montague.  
 Mr. Harlan with Mr. Brand.  
 Mr. Lea of California with Mr. Pierce.

Mr. WOODRUFF. Mr. Speaker, I was called to the telephone during the roll call and thereby missed hearing my name called. If I had been present, I would have voted "no."

Mrs. JENCKES. Mr. Speaker, I desire to vote "aye."

The SPEAKER. Was the gentlewoman present when her name was called?

Mrs. JENCKES. No; I was not present. I just came from the office.

The SPEAKER. The gentlewoman does not qualify.

The result of the vote was announced as above recorded.

## INVESTIGATION OF MOTION-PICTURE INDUSTRY

Mr. SABATH. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. SABATH. Mr. Speaker, it was my intention to call up at this time a special rule making in order the so-called "Sirovich resolution." However, many Members have asked me to postpone calling it up at this time, and I will do so. I make this statement to inform several Members of my purpose to postpone it, because I told them earlier in the day that I would call it up. I shall call it up in the near future.

Mr. SNELL. Could the gentleman tell us when he intends to call it up?

Mr. SABATH. Some day next week, as soon as we have disposed of the appropriation bill and other important legislation.

Mr. MARTIN of Massachusetts. Why does the gentleman not call it up now?

Mr. SABATH. Because many Members have asked me to postpone it, some of whom are for it and some against it.

Mr. MARTIN of Massachusetts. Did they give any reason?

Mr. SABATH. Some of them were not able to be present.

Mr. O'CONNOR. Mr. Speaker, I demand the regular order.

## CONDUCT OF RECEIVERS AND REFEREES IN BANKRUPTCY, ETC.

Mr. SMITH of Virginia, from the Committee on Rules, reported the following resolution for printing under the rule:

## House Resolution 110

*Resolved*, That, when in its judgment such investigations are justified, the Judiciary Committee of the House of Representatives be, and it is hereby, authorized to inquire into and investigate the matter of appointments, conduct, proceedings, and acts of receivers, trustees, referees in bankruptcy, and receivers in equity causes for the conservation of assets within the jurisdiction of United States district courts.

SEC. 2. The said committee, or subcommittees thereof, to be appointed by the Chairman of the Judiciary Committee, shall specifically inquire into and investigate the selection of receivers and assistants to such receivers and trustees, referees, custodians, auctioneers, appraisers, accountants, and other aids to the court in the administration of bankruptcy estates and equity receiverships; and shall inquire into and investigate all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

SEC. 3. The said committee, or any subcommittee thereof, to be appointed by the Chairman of the Judiciary Committee, shall inquire into and investigate the action of any district judge or judges in the setting up and promulgating of any rule or rules of practice of the court appointing the same person or corporation as receiver in all cases or in any class of cases, and to inquire into and investigate the action of any district judge or judges in setting up and promulgating any rule or rules of practice of the court which in effect, directly or indirectly, interferes with or prevents the control of bankruptcy estates by creditors according to the spirit and letter of the bankruptcy statutes; and to inquire into and investigate all other questions in relation thereto that would aid the Congress in any necessary remedial legislation.

SEC. 4. The committee shall report to the House of Representatives not later than the 31st day of January 1934 the result of its



investigation, together with such recommendations as it deems advisable.

SEC. 5. The said committee, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to employ suitable counsel, assistants, and investigators in aid of its investigation, as well as such experts, and such clerical, stenographic, and other assistants, to require the attendance of such witnesses and the production of such books, papers, and documents, by subpoena or otherwise, to take such testimony, to have such printing and binding done, and to make such expenditures as it deems necessary; and all such expenses thereof shall be paid on vouchers ordered by said committee and approved by the chairman thereof. Subpoenas shall be issued under the signature of the Chairman of the Judiciary Committee or of the chairman of any subcommittee, and shall be served by any person designated by any of them. The chairman of the committee or any member thereof may administer oaths to witnesses. Every person who, having been summoned as a witness by authority of said committee or any subcommittee thereof, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the investigation heretofore authorized, shall be held to the penalties provided by section 102 of the Revised Statutes of the United States.

#### ORDER OF BUSINESS

Mr. BYRNS. Mr. Speaker, it is the purpose of the gentleman from Texas [Mr. BUCHANAN] to call up the deficiency appropriation bill, and to have general debate upon it this afternoon and to conclude the consideration of the bill some time tomorrow. Then we hope on Friday to take up the securities bill, which will probably consume Friday and Saturday, or at least part of that day. On Monday next we hope to take up the independent offices appropriation bill.

#### THIRD DEFICIENCY APPROPRIATION BILL, FISCAL YEAR 1933

Mr. BUCHANAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5390) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1933, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1933, and June 30, 1934, and for other purposes. Pending that, I ask unanimous consent that such time as is utilized in general debate be equally controlled by the gentleman from New York [Mr. TABER] and myself.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Texas.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H.R. 5390, with Mr. McREYNOLDS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Without objection, the first reading of the bill will be dispensed with.

There was no objection.

Mr. BUCHANAN. Mr. Chairman, I ask the gentleman from New York to consume some time.

Mr. TABER. Mr. Chairman, I yield 20 minutes to the gentleman from Illinois [Mr. DE PRIEST].

Mr. DE PRIEST. Mr. Chairman, very early in the history of this country about 20 people of my race group were brought over here from Africa on a Dutch trading ship, and for 244 years they served in slavery, without pay and without price. I fear that amongst them communism has been making some headway. I would rue the day when communism rules America. It is not based on American principles and certainly does not agree with our form of government. It is regretful that any racial group should be driven to think of communism in the sense of America, but so many impositions have been placed upon my group that I want to call attention to a few of them. I shall give you a synopsis of a few of them, and extend the rest of them in my remarks, if I am permitted. I ask unanimous consent to extend and revise my remarks.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. DE PRIEST. Mr. Chairman, no race of people in this country has ever been more loyal to America than the people of my race. In every period of war this country has been engaged in they have always served the American Government, and I hope they always will. They were emancipated by the proclamation issued by the immortal Abraham Lincoln in 1863. After that the Republican Party submitted to the people of this country three amendments, the thirteenth, the fourteenth, and the fifteenth amendments to the Constitution of the United States, which gave them their liberty, made them citizens, and gave them the right to vote.

Under the guise of Ku-Kluxism my people have been intimidated and bulldozed in certain neighborhoods; people who were trying to be intelligent citizens, and standing up for their manhood rights. I have seen those night-riders in Alabama, where I was born. Of course, the Ku-Klux died out shortly after that. It was reorganized a few years ago, not only fighting the American Negro but fighting the Jews and the Catholics also. Thank God they did not last very long.

Then when the Negroes were getting more power and more control in this country the hue and cry was raised in some Southern States of Negro domination. That was only a subterfuge. The Negro in America never was in the majority in any one State in the United States except the State of Mississippi. There never was any chance for Negro domination. It was only used as a subterfuge for other people to ride into office on.

Then came those days when they were deprived of their right to vote. After they had 23 Members of Congress in both bodies and for about 28 years no member of my group was able to be a Member of this Congress. If we had a right to exercise our franchise rights as the Constitution provides we should exercise them I would not be the only Negro on this floor. I hope to see the time come when the Federal Constitution will be actually enforced and that the Members of Congress who have sworn to support the Constitution will pass an act to enforce every section of the Constitution including the amendments to which I have referred.

But recently there has been some discussion on the floor of this Congress about Negroes getting a square deal over this country. There was a discussion here the other day when the resolution was introduced to impeach Judge Lowell, of Massachusetts, because of a decision which had nothing whatever to do with the innocence or guilt of this man Crawford. I know nothing about his guilt or innocence, but I do say one thing, that this House was misled. I do not say that excitedly, but this House was misled. There was not one scintilla of evidence introduced in that hearing in Massachusetts with regard to the innocence or guilt of this man charged with crime; not one. But the question was decided on its merits, on whether or not this man had been indicted by a legally drawn grand jury. The question was raised on the issue in the State of Virginia. It was proven that those of my racial group are not included in the jury system. No Member from the State of Virginia can rise on this floor and say that any negro has served on a jury in Virginia in the last quarter of a century, whether petit jury or grand jury. That was the ground on which that decision was rendered, that the jury was drawn unconstitutionally, because a certain group of people had been excluded from jury service, and not on the guilt of this man Crawford. I do not know anything about that. If he is guilty, he should be punished, but for God's sake indict him with a legally drawn grand jury.

I am stating these things not because I want to stir up any racial animosity, but the American people ought to know that 12,000,000 people should not be tempted to join some organization that is not for the best interests of America. I do not think communism means any good to this country, either to me or anybody else in it.

There was another case down in Scottsboro, Ala., quite recently, down in the State where I was born, and I have often said that if God would forgive me for being born there



I would never live there again. In reading some of the evidence in that trial it was shown that there were two white girls traveling as hoboes on a freight train dressed in overalls. It happened some two years ago. I am not saying whether those boys are innocent or guilty. I could not say, for I have not read over the testimony, but I do know that one of the girls repudiated her testimony a very short time ago in the second trial of one of the defendants, and I do know that one of the white boys who was with her substantiated her repudiation, and that is a matter of record. Everybody can read it. I do know that those boys were first convicted in the courts. The case went to the United States Supreme Court and it was reversed, and I do know that the last Negro was convicted and sentenced to the electric chair, I presume. If not, he will be; and that case will go back to the United States Supreme Court also.

I do not want a condition to arise in this country where those of my group will become discouraged and think there is no chance in America for them. I know the great rank and file of American people are on the square. I know that. But I also know what is everybody's business is nobody's business, and I also know that the great body of Christian America and the great newspapers and periodicals of this country do not universally denounce this crime of injustice meted out to those of my particular group, especially when charged with crimes of that kind. They are convicted before they are tried. I have no brief for Negro criminals. I hold no brief for any kind of a criminal, but I do wish to say that I think the time will come when a Congress of the United States—I do not care whether it be Republican or Democrat; it will still be composed of American citizens—will take this question up and see that their rights are protected. They are beginning to feel that they cannot secure their constitutional rights in the courts of our land.

This country cannot survive by keeping one tenth of its population down. It is a dangerous frame of mind for people to get into, just as the people of Iowa thought they could not secure their constitutional rights in the courts, and they made the serious mistake of trying to go into the court room and mete out so-called justice themselves by taking that judge off the bench, dragging him out into the street, and manhandling him and almost lynching him.

That is bordering on anarchy in this country. It was not brought about by the voice of the Iowa farmer. It was brought about because he thought he could not secure justice in the courts. He was wrong in this assumption, of course he was; and the Governor of the State acted as a human being ought to act. He called out the supreme power of the State to put down that insurrection.

I am making these remarks because I want you to know that the American Negro is not satisfied with the treatment he receives in America, and I know of no forum where I can better present the matter than the floor of Congress.

Down in Scottsboro conditions were so tense that it was necessary to call out the militia to protect those boys during the first trial.

A few years ago in Arkansas five members of my group were convicted of plotting against the American Government. Who ever heard of a Negro plotting against the American Government? The American Government has never had better supporters than the Negroes. They have supported it in every war. They have laid down their lives and made the supreme sacrifice for America in the past, and I hope they will do so in the future. You never heard of the assassination or attempted assassination of a President charged against members of my group. No member of my race every tried to commit assassination upon any ruler in America.

If we are good enough to lay down our lives for this country, we are good enough to enjoy the privileges of citizenship in this country.

I did not have anything to say on the floor the other day about the judge in Massachusetts because I was not given the opportunity to speak, but I did think it was uncalled-for; I did think it was premature for this Congress

to go on record and authorize an investigation while the case was pending before the Federal courts.

No one is interested more than I in the continued loyalty of the people of my racial group as citizens of the United States; and being interested as I am, I want to take this opportunity to call the attention of this body of lawmakers to certain untoward events, constantly recurring, that are, to say the least, turning the thoughts of my people away from our democratic form of government and with perhaps hopeful but reluctant eyes on the dangerous communist theory in this country. The treatment colored citizens receive in this country, and especially in the courts in some parts of it, in some instances in the North as well as the South, is having a bad effect on the minds of these people. The chief justice of the Supreme Court of the State of Alabama dissented from the decision in the first Scottsboro conviction, just as the United States Supreme Court threw out that conviction as a violation of the fourteenth amendment to the Constitution preventing States from depriving "any person of life, liberty, or property without due process of law."

I want particularly to discuss with you the now-famous Scottsboro case where nine youths of my race are accused of raping two white girls. The injustice imposed upon these boys in the first trial where they were convicted was such that the United States Supreme Court did not think they received a fair trial and set aside the verdict and ordered a new trial, on the ground that the fourteenth amendment to the Federal Constitution had been violated. This amendment says that no person shall be denied or deprived of life, liberty, or property without due process of law. In this connection I wish to quote as part of my remarks an editorial in the Washington Daily News of April 10, 1933, which reads as follows:

#### THE SCOTTSBORO VERDICT

The conviction of Haywood Patterson, first of the Negro defendants in the second trials of the Scottsboro cases, will be appealed. It should be.

Among other things prejudicial to a fair trial, the defense was able to show that the jury law apparently was administered to exclude Negroes from the panel for this case. On more than one occasion during the trial the State attorneys conducted themselves in such a way as to prevent orderly and judicious consideration of evidence by the jury.

In repudiating her testimony at the earlier trial, Ruby Bates swore that the other girl in the case, Victoria Price, had framed the Negro youths. Lester Carter, a white friend of the two girls, confirmed the testimony of Ruby Bates.

To execute boys on the discredited evidence of a woman of Victoria Price's character, and following a trial in which racial discrimination seemed to operate in the jury panel, would be unthinkable. Just as the chief justice of Alabama dissented from the first Scottsboro conviction, and just as the United States Supreme Court threw out that conviction as a violation of the fourteenth amendment of the Constitution preventing States from depriving "any person of life, liberty, or property without due process of law", so the Decatur verdict yesterday appears certain to be set aside by a higher court.

The action of courts and so-called "judicial procedure" in an atmosphere of intimidation, prejudice, and disturbance, as has happened in the Scottsboro case and as has frequently been the situation in other cases, creates disrespect of law and order and makes the Negro of America think it is impossible to get justice, especially in certain parts of the country.

May I quote again from the Washington Daily News of Tuesday, April 11, 1933, the words of Heywood Brown? He said, himself quoting—

We have no right to sit in the seats of the scornful. Nor is it the part of wisdom to think of the Scottsboro case as a local issue.

Continuing, he says:

Sunday, in Decatur, Ala., a jury of 12 white men brought in a verdict of death against Haywood Patterson. The attorney general of the great sovereign State referred to him as "that thing."

They say it was a quiet courtroom and a gentle day down in Morgan County when the jury filed in after 24 hours of delibera-



tion. But could none of them hear the wind in the rigging of the slave ship, the creaking of her timbers, and the cries of the cargo?

Attorney General Knight could not even bring himself to admit that he was in the presence of a man on trial for his life. He had to take refuge in such a phrase as "that thing." He was afraid of the facts. He had reason to fear.

There was much panicky talk in the speeches of the men who pressed the case. "Show them that Alabama justice cannot be bought and sold with Jew money from New York!" cried Solicitor Wright at one point in the trial. And the attorney general, after deploring the injection of prejudice by his associate in the summation, went on to say: "If you acquit this Negro, put a garland of roses around his neck, give him a supper, and send him to New York City. There let Dr. Harry Fosdick dress him up in a high hat and morning coat, gray striped trousers and spats."

And that was because Dr. Fosdick had told Ruby Bates to face the danger of return and go back to confess that she lied when first she accused the Negro boys. And that was because the attorney general was afraid.

From the Afro-American, Baltimore, Md., April 8, 1933, I read the following in a news story from Decatur, Ala.:

Carter stated that he, the girls, and Orville Gilley, white, made the entire trip together and that the boys did not rape the girls. He was kept in jail at Scottsboro until the trial was over. He went to Albany to tell Governor Roosevelt about the case and then saw attorneys. He was kept in hiding.

Carter reached here at 2 a.m. Thursday. Ruby Bates is still expected.

The situation here is tense as the defense scatters the State's case.

A mob of 200 whites under Klan leadership was reported near here Tuesday night. Twenty extra guards were called out. The sheriff threatened to shoot to kill. The mob had planned to march on the jail, but dispersed when they saw they had formidable opposition.

From the Baltimore Afro-American, dated April 22, 1933, I read a news story as follows:

DECATUR, ALA.—Another picture of Alabama justice flashed across the canvas here Monday when Bailiff E. R. Brittell admitted to Judge James E. Horton that he had allowed jurors to hold telephone conversations while serving in the Scottsboro case.

Joseph R. Brodsky, attorney, immediately entered a motion to set aside the verdict which condemned Haywood Patterson to death.

I want also to quote you a speech of my colleague, Congressman TOM BLANTON, of Texas, delivered on the floor of the House March 27, 1933, following the impassioned plea of Representative SIROVICH, of New York, in behalf of the Jewish people, recent victims of attack in a foreign country. Mr. BLANTON said:

I feel just as the gentleman does, and am unalterably opposed to any and all kinds of persecutions. If there is persecution against any people because of their race, it ought not to go unchallenged.

But is it not a matter that ought to be handled by our State Department? If we go to passing resolutions, unless we direct them to our own Executive and his Department of State, would we not be invading the Executive functions of the Government? We do not like to have the executive departments invade the legislative part of the Government. In this connection may I not call the attention of my friend to the fact that there is unreasonable, foolish, cruel persecution of the Jews right here in the Nation's Capital? I do not stand for that. I am against all persecutions. I have some very close personal friends of lifetime standing who are Jews. Why should we tolerate without protest the persecutions of Jews here in Washington?

There are very prominent apartment houses here in the Nation's Capital which refuse to permit Jews to rent apartments. There are apartment houses here where people can buy homes therein as they buy a residence. If my distinguished friend would go there and say, "I am a Jew", they would say, "We cannot sell to you." There is that ridiculous persecution, with which I have no sympathy whatever, right here in the gentleman's National Capital, but we ought to get that out of the way first before we go to foreign countries. Has my distinguished friend from New York any precedents for his resolution?

The remarks, quoted above, were uttered in the course of debate, when the subject of the persecution of the Jews in Germany was before the House. Mr. BLANTON's speech pertaining to the Jews applies with equal force to all citizens alike in this country. I want to compliment him on the stand he took. I believe he is fair enough to want to mete out even-handed justice to all citizens, including the 12 million colored citizens of the United States, for I do not see how any Member of Congress can take any other stand when

he remembers the oath of office he took to uphold the Constitution and our form of government.

I particularly want to call your attention to the Massie case that happened in the Hawaiian Islands. I am not pretending to say that the defendants over there, who were accused of raping Mrs. Massie, were innocent or guilty, but I do want to say that no jury had found them guilty. In their trial the jury was unable to agree on their guilt. Further, I want to call your attention to the apparent state of mind against all dark-skinned people where prejudice is allowed to defeat justice. About 140 Members of Congress signed a petition and cabled it to the Governor of the Hawaiian Islands asking the pardon of the Massies after they had been duly convicted of murdering one Kahahawai, one of the defendants accused of raping Mrs. Massie. There is no excuse that can be offered by any stretch of the imagination that will justify American citizens, either at home or abroad, or in our territorial possessions, in taking the law into their own hands.

I also wish to call attention to the fact that Lieutenant Massie is still holding a commission in the United States Navy despite conduct unbecoming a gentleman and prejudicial to the dignity of an officer of the Navy. He participated in a murder, and, according to his own testimony on the witness stand in his trial, an officer and an individual, admitted that he fired the fatal shot that killed Kahahawai. This officer of the United States Navy was convicted, sentence commuted to 1 hour, and which time was served.

All these things have a tendency to drive into the American Negro the thought that he cannot secure justice in all parts of America and that dark-skinned people in its territorial possessions are subjected to the same prejudices. I call this to your attention, knowing full well the part colored American citizens have played in all the wars of this country where the dignity and honor of the United States have been assaulted by foes within and foes without.

No man of my racial group has ever been disloyal to our flag or to our country. I hope the time will never come when he may be goaded on to that extremity. I call your attention to dangerous possibilities lurking in a discouraged, dejected, despised, mob-ridden, and intimidated group of citizens if this condition continues to prevail so that they are convinced there is no chance in this country to receive justice at the hands of our people.

I am appealing to the Christian, law-abiding people of America through its magazines, its newspapers, its periodicals, and its pulpit; through its fraternal organizations, labor organizations, church organizations, and all manner and kind of societies, to help maintain law and order in America and abolish this blight on our American jurisprudence and to help blot out the crime known as lynching. It becomes necessary also that the provisions in the Constitution must be safeguarded, so that no man shall be deprived of life, liberty, or property without due process of law; and due process of law means a fair and impartial trial for every citizen of our country.

He who stands idly by, knowing these conditions to exist, will be guilty of contributive negligence in not routing this monster of race prejudice evidenced in many places where it cannot be controlled but occupying too serious a place in our governmental and court procedure of the land. In the interest of America—great, shining, proud symbol of freedom and of liberty and of opportunity, of which 12,000,000 men and women, boys and girls, of my racial group are an integral part—let us stand up like men and women and uphold law and order and see that every man has a fair trial, equal opportunity, and a chance under the sun to have an existence. Only by such action on the part of the American people can America free itself of this odious institution and maintain the confidence and respect of that 12,000,000 American Negroes and also of the rest of the civilized world. It is already being said that we have no right to criticize Germany in her attitude toward the Jews, nor point the finger of scorn at Russia in her attitude against a certain class of her population, until we do justice



here in America to every man, woman, and child who lives beneath the folds of the Stars and Stripes. We should remove the beam from out our own eyes before we try to take the mote from the eyes of the rest of the world.

It has not been my purpose here in this body to be radical on any question, especially on some phases of our American life that come close to me, but the time has come when someone must speak out against the damnable, lynching, menacing mob spirit which is depriving citizens of their just rights under the Constitution. This utter disregard of the rights of my people, reaching toward the doorway of our courts of justice, is all too prevalent in some parts of the country.

Let me again appeal to the American public—to you ladies and gentlemen, representatives of the people—that we strive to save America from this growing disregard of law and order. These are trying times in our political and economic life, as well as in our daily social contact, and I hazard to prophesy that the time will come when America may need every loyal citizen to defend our form of government. When that time does come, whether or not I am living, I am sure those of my racial group will stand loyally by this form of government under which we operate. That can only come about by the expressed will of the American people to see that justice is administered under all circumstances to all citizens alike, whether rich or poor, high or low, and without discrimination as to race, color, or creed.

And there now follows in rapid succession riotous demonstrations at the opening of the Mooney trial, whereby the presiding judge felt constrained to postpone the proceedings, and following this comes the assault upon a judge at the town of Le Mar, 20 miles north of Sioux City, Iowa, where the mob went so far as to place a noose, as is alleged, around the neck of the aged jurist. These riotous proceedings, coupled with a threat of impeachment of Judge Lowell, of Massachusetts, who did his duty as he saw it, contributes to a far-greater degree to the break-down of law and order than is healthy for this fair country of ours.

The issue in the Crawford case, which was discussed on the floor of this House by the gentleman from Virginia a few days ago, has nothing to do with whether or not Crawford will get a fair trial in Virginia. The sole issue involved in Judge Lowell's action was whether or not the indictment was constitutional in view of the express admission of the Virginia judge that Negroes had been excluded from the grand jury pursuant to established custom in the State of Virginia. Judge Lowell took the position that once the Virginia judge admitted he had excluded Negroes from the grand jury pursuant to the established custom, the case had been brought within the long line of precedents in the United States Supreme Court, particularly Neal against Delaware, which precedents establish that a conviction cannot be predicated upon an indictment returned by an unconstitutional grand jury. Judge Lowell said he had no doubt that Crawford would get a fair trial in Virginia but that a fair trial could not cure the illegality of the indictment which necessarily would have to serve as a foundation upon which all further proceedings would be based, and that it would be running around in a circle to send Crawford back to Virginia to answer to this particular indictment, when after trial and conviction and review up to the Supreme Court of the United States the United States Supreme Court would have to set the conviction aside in order to protect Crawford's constitutional rights as a citizen of the United States on the very same ground raised before him in the habeas-corpus proceedings, to wit, exclusion of Negroes from the grand jury pursuant to established custom. The judge, in substance, said that if the conviction would have to be set aside eventually on account of an unconstitutional exclusion of Negroes from the grand jury, it would be merely a matter of stage play to send Crawford back to Virginia to answer this unconstitutional indictment. The question of Crawford's innocence or guilt was never presented to the court or considered by it.

# ELAINE, ARK., CASE

I quote from United States Supreme Court Reports, volume 261, Cases Adjudged in the Supreme Court at October Term, 1922:

*Moore et al v. Dempsey*, keeper of the Arkansas State Penitentiary. Appeal from the District Court of the United States for the Eastern District of Arkansas

No. 199. Argued January 9, 1923. Decided February 19, 1923

1. Upon an appeal from an order of the district court dismissing a petition of habeas corpus upon demurrer the allegations of fact pleaded in the petition and admitted by the demurrer must be accepted as true (p. 87).

2. A trial for murder in the State court in which the accused are hurried to conviction under mob domination, without regard for their rights, is without due process of law and absolutely void (p. 90).

3. In the absence of sufficient corrective process afforded by the State courts, when persons held under death sentence and alleging facts showing that their conviction resulted from such a trial apply to the Federal district court for habeas corpus that court must find whether the facts so alleged are true and whether they can be explained so far as to leave the State proceedings undisturbed (p. 91).

Reversed.

Appeal from an order of the district court dismissing a petition for habeas corpus upon demurrer.

Mr. U. S. Bratton and Mr. Moorfield Storey for appellants.

Mr. Elbert Godwin, with whom Mr. J. S. Utley Attorney General of the State of Arkansas, and Mr. William T. Hammock were on the brief, for appellee.

Mr. Justice Holmes delivered the opinion of the Court.

This is an appeal from an order of the District Court of the Eastern District of Arkansas dismissing a writ of habeas corpus upon demurrer, the presiding judge certifying that there was probable cause for allowing the appeal. There were two cases originally, but by agreement they were consolidated into one. The appellants are five negroes who were convicted of murder in the first degree and sentenced to death by the court of the State of Arkansas. The ground of the petition for the writ is that the proceedings in the State court, although a trial in form, were only in a form, and that the appellants were hurried to conviction under the pressure of a mob without any regard for their rights and without, according to them, due process of law.

The case stated by the petition is as follows, and it will be understood that while we put it in narrative form, we are not affirming the facts to be as stated but only what we must take them to be, as they are admitted by the demurrer. On the night of September 30, 1919, a number of colored people assembled in their church were attacked and fired upon by a body of white men, and in the disturbance that followed a white man was killed. The report of the killing caused great excitement and was followed by the hunting down and shooting of many Negroes and also by the killing on October 1 of one Clinton Lee, a white man, for whose murder the petitioners were indicted. They seem to have been arrested with many others on the same day. The petitioners say that Lee must have been killed by other whites, but that we leave on one side, as what we have to deal with is not the petitioners' innocence or guilt but solely the question whether their constitutional rights have been preserved. They say that their meeting was to employ counsel for protection against extortions practiced upon them by the landowners and that the landowners tried to prevent their effort, but that again we pass by as not directly bearing upon the trial. It should be mentioned, however, that O. S. Bratton, a son of the counsel who is said to have been contemplated and who took part in the argument here, arriving for consultation on October 1, is said to have barely escaped being mobbed; that he was arrested and confined during the month on a charge of murder and on October 31 was indicted for barratry, but later in the day was told that he would be discharged but that he must leave secretly by a closed automobile to take the train at West Helena, 4 miles away, to avoid being mobbed. It is alleged that the judge of the court in which the petitioners were tried facilitated the departure and went with Bratton to see him safely off.

A committee of seven was appointed by the governor in regard to what the committee called the "insurrection" in the county. The newspapers daily published inflammatory articles. On the 7th a statement by one of the committee was made public to the effect that the present trouble was "a deliberately planned insurrection of the Negroes against the whites, directed by an organization known as the 'Progressive Farmers' and Household Union of America', established for the purpose of banding Negroes together for the killing of white people." According to the statement, the organization was started by a swindler to get money from the blacks.

Shortly after the arrest of the petitioners a mob marched to the jail for the purpose of lynching them but were prevented by the presence of United States troops and the promise of some of the committee of seven and other leading officials that if the mob would refrain, as the petition puts it, they would execute those found guilty in the form of law. The committee's own statement was that the reason that the people refrained from mob violence



was "that this committee gave our citizens their solemn promise that the law would be carried out." According to affidavits of two white men and the colored witnesses on whose testimony the petitioners were convicted, produced by the petitioners since the last decision of the Supreme Court hereafter mentioned, the committee made good their promise by calling colored witnesses and having them whipped or tortured until they would say what was wanted, among them being the two relied on to prove the petitioners' guilt. However this may be, a grand jury of white men was organized on October 27 with one of the committee of seven and, it is alleged, with many of a posse organized to fight the blacks upon it, and on the morning of the 29th the indictment was returned. On November 3 the petitioners were brought into court, informed that a certain lawyer was appointed their counsel, and were placed on trial before a white jury—blacks being systematically excluded from both grand and petit juries. The court and neighborhood were thronged with an adverse crowd that threatened the most dangerous consequences to anyone interfering with the desired result. The counsel did not venture to demand delay or a change of venue, to challenge a jurymen, or to ask for separate trials. He had no preliminary consultation with the accused, called no witnesses for the defense, although they could have been produced, and did not put the defendants on the stand. The trial lasted about three quarters of an hour and in less than 5 minutes the jury brought in a verdict of guilty of murder in the first degree. According to the allegations and affidavits, there never was a chance for the petitioners to be acquitted; no jurymen could have voted for an acquittal and continued to live in Phillips County, and if any prisoner by any chance had been acquitted by a jury he could not have escaped the mob.

The averments as to the prejudice by which the trial was environed have some corroboration in appeals to the governor, about a year later, earnestly urging him not to interfere with the execution of the petitioners. One came from 5 members of the committee of seven, and stated in addition to what has been quoted heretofore that "all our citizens are of the opinion that the law should take its course." Another from a part of the American Legion protests against a contemplated commutation of the sentence of four of the petitioners and repeats that a "solemn promise was given by the leading citizens of the community that if the guilty parties were not lynched, and let the law take its course, that justice would be done and the majesty of the law upheld." A meeting of the Helena Rotary Club attended by members representing, as it said, 75 of the leading industrial and commercial enterprises of Helena, passed a resolution approving and supporting the action of the American Legion post. The Lions Club of Helena at a meeting attended by members said to represent 60 of the leading industrial and commercial enterprises of the city passed a resolution to the same effect. In May of the same year, a trial of six other Negroes was coming on and it was represented to the governor by the white citizens and officials of Phillips County that in all probability those Negroes would be lynched. It is alleged that in order to appease the mob spirit and in a measure secure the safety of the six the governor fixed the date for the execution of the petitioners at June 10, 1921, but that the execution was stayed by proceedings in court; we presume the proceedings before the chancellor to which we shall advert.

In *Frank v. Mangum* (237 U.S. 309, 335) it was recognized of course that if in fact a trial is dominated by a mob so that there is actual interference with the course of justice, there is a departure from due process of law; and that "if the State, supplying no corrective process, carries into execution a judgment of death or imprisonment based upon a verdict thus produced by mob domination, the State deprives the accused of his life or liberty without due process of law." We assume in accordance with that case that the corrective process supplied by the State may be so inadequate that interference by habeas corpus ought not to be allowed. It certainly is true that mere mistakes of law in the course of a trial are not to be corrected in that way. But if the case is that the whole proceeding is a mask—that counsel, jury, and judge were swept to the fatal end by an irresistible wave of public passion, and that the State courts failed to correct the wrong, neither perfection in the machinery for correction nor the possibility that the trial court and counsel saw no other way of avoiding an immediate outbreak of the mob can prevent this court from securing to the petitioners their constitutional rights.

In this case a motion for a new trial on the ground alleged in this petition was overruled, and upon exceptions and appeal to the Supreme Court the judgment was affirmed. The Supreme Court said that the complaint of discrimination against petitioners by the exclusion of colored men from the jury came too late, and by way of answer to the objection that no fair trial could be had in the circumstances, stated that it could not say "that this must necessarily have been the case"; that eminent counsel was appointed to defend the petitioners, that the trial was had according to law, the jury correctly charged, and the testimony legally sufficient. On June 8, 1921, two days before the date fixed for their execution, a petition for habeas corpus was presented to the chancellor and he issued the writ and an injunction against the execution of the petitioners; but the supreme court of the State held that the chancellor had no jurisdiction under the State law, whatever might be the law of the United States. The present petition perhaps was suggested by the language of the court: "What the result would be of an application to a Federal court

we need not inquire." It was presented to the district court on September 21. We shall not say more concerning the corrective process afforded to the petitioners than that it does not seem to us sufficient to allow a judge of the United States to escape the duty of examining the facts for himself when if true, as alleged, they make the trial absolutely void. We have confined the statement to facts admitted by the demurrer. We will not say that they cannot be met, but it appears to us unavoidable that the district judge should find whether the facts alleged are true and whether they can be explained so far as to leave the State proceedings undisturbed.

Order reversed. The case to stand hearing before the district court.

Under any pretense of justice should these things go unchallenged in a civilized country? I hold no brief for either black or white criminality, but I do think every man should have a fair trial before an impartial jury and not be convicted as a result of prejudice, mob law, or intimidation.

I wish to cite to you, as the extreme of mob violence and disrespect of law and order, the record of lynchings, burnings, and murders of human beings that have occurred through mob law since 1927 and down to the present time, and which speaks even louder than words.

## LYNCHING RECORD

1927

Name	Date	Place	Manner of lynching
1. Tom Payne.....	Feb. 1	Willis, Tex.....	Hanged.
2. Berry Allen (white).....	Mar. 19	Mayo, Fla.....	Drowned.
3. (white).....	Apr. —	DeQuincy, La.....	Shot.
4. ————.....	Apr. —	Macon, Miss.....	Burned.
5. ————.....	Apr. —	do.....	Do.
6. John Carter.....	May 4	Little Rock, Ark.....	Hanged, body burned.
7. Dan Anderson.....	May 20	Macon, Miss.....	Shot.
8. Will Sherod.....	May 22	Braggadoo, Mo.....	Hanged and shot.
9. Ed. Lively.....	May 25	Leakesville, Miss.....	Do.
10. Jim Fox.....	June 13	Louisville, Miss.....	Burned.
11. Mark Fox.....	do.....	do.....	Do.
12. Owen Fleming.....	June 16	Helena, Ark.....	Shot.
13. Joseph Upchurch.....	June 17	Paris, Tenn.....	Do.
14. Joe Smith.....	July 7	Yazoo City, Miss.....	Hanged and shot.
15. Alber Williams.....	July 21	Chieftand, Fla.....	Shot.
16. Thomas Bradshaw.....	Aug. —	Bailey, N.C.....	Do.
17. Winston Pounds.....	Aug. 26	Wilmot, Ark.....	Hanged.
18. Thomas Williams.....	Sept. 23	Barrettville, Tenn.....	Shot.
19. Henry Choate.....	Nov. 13	Columbia, Tenn.....	Hanged.
20. Leonard Woods.....	Nov. 30	Whitesburg, Ky.....	Hanged and shot (body burned).
21. Ralph McCoy (white).....	Dec. 22	Los Angeles, Calif.....	Beaten to death.

## 1927 summary, by States

Arkansas.....	3
California (white).....	1
Florida (1 white).....	2
Kentucky.....	1
Louisiana.....	1
Mississippi.....	7
Missouri.....	1
North Carolina.....	1
Tennessee.....	3
Texas.....	1
Total.....	21

1928

Name	Date	Place	Manner of lynching
1. "Buddy" Evans.....	May 21	Center, Tex.....	Hanged.
2. Ocie Wilson.....	May 30	Slater, Mo.....	Do.
3. Lee Blackman.....	June 2	Boyce, La.....	Shot.
4. Dave Blackman.....	do.....	do.....	Do.
5. Robert Powell.....	June 20	Houston, Tex.....	Hanged.
6. James Bearden.....	June 29	Brookhaven, Miss.....	Do.
7. Stanley Bearden.....	do.....	do.....	Do.
8. "Shug" McEllee.....	July 2	Summit, Miss.....	Do.
9. Rafael Benavides.....	Nov. 16	Farmington, N.Mex.....	Do.
10. Emanuel McCallum.....	Dec. 26	Hattiesburg, Miss.....	Do.
11. Charley Shepherd.....	Dec. 31	Shelby, Miss.....	Burned.

## 1928 summary, by States

Louisiana.....	2
Mississippi.....	5
Missouri.....	1
New Mexico (Mexican).....	1
Texas.....	2
Total.....	11

## LYNCHING RECORD—continued

1929

Name	Date	Place	Manner of lynching
1. "Buster" Allen.....	Feb. 20	Brooksville, Fla.	Hanged.
2. Steve Jenkins.....	May 11	Macon, Miss.	Shot.
3. N. G. Romey (white).....	May 17	Lake City, Fla.	Do.
4. Joe Boxley.....	May 29	Alamo, Tenn.	Hanged.
5. Jim Mobley.....	June 1	Jasper, Fla.	Drowned.
6. Willie McDaniel.....	June 30	Charlotte, N. C.	Hanged.
7. Mose Taylor.....	July 5	Georgetown, Miss.	Shot.
8. Cleveland Williams.....	Sept. 1	Calvert, Tex.	Do.
9. Ella May Wiggins (white).....	Sept. 14	Gastonia, N. C.	Do.
10. Will Larkins.....	Nov. 9	Quincy, Fla.	Hanged and shot.
11. Marshall Ratliff (white).....	Nov. 19	Eastland, Tex.	Hanged.
12. Chester Fugate (white).....	Dec. 25	Jackson, Ky.	Shot.

## 1929 summary, by States

Florida (1 white).....	4
Kentucky (white).....	1
Mississippi.....	2
North Carolina (1 white).....	2
Tennessee.....	1
Texas (1 white).....	2
Total.....	12

1930

Name	Date	Place	Manner of lynching
1. Jimmy Irvine.....	Feb. 1	Ocala, Ga.	Beaten to death.
2. J. H. Wilkins.....	Apr. 5	Locust Grove, Ga.	Do.
3. Dave Harris.....	Apr. 23	Gunnison, Miss.	Shot.
4. Allen Green.....	Apr. 24	Walhalla, S. C.	Do.
5. John Hodas (white).....	Apr. 27	Plant City, Fla.	Hanged and shot.
6. George Hughes.....	May 9	Sherman, Tex.	Burned (in jail).
7. George Johnson.....	May 16	Honey Grove, Tex.	Shot (body burned).
8. Henry Argo.....	May 31	Chickasha, Okla.	Shot.
9. Bill Roan.....	June 18	Bryan, Tex.	Do.
10. Dan Jenkins.....	June 21	Union, S. C.	Do.
11. Jack Robertson.....	June 28	Round Rock, Tex.	Do.
12. Jacob Robertson.....	July 4	Emelle, Ala.	Hanged.
13. John Robertson.....	do	do	Shot.
14.....	July 6	do	Do.
15. Mrs. James Eyer.....	do	do	Do.
16. S. S. Mincey.....	July 22	Mount Vernon, Ga.	Beaten to death.
17. Thomas Shipp.....	Aug. 7	Marion, Ind.	Hanged and shot.
18. Abraham Smith.....	do	do	Do.
19. Oliver Moore.....	Aug. 19	Tarboro, N. C.	Do.
20. George Grant.....	Sept. 8	Darien, Ga.	Shot.
21. Pig Lockett.....	Sept. 10	Scobba, Miss.	Hanged.
22. Holly Hite.....	do	do	Do.
23. Willie Kirkland.....	Sept. 25	Thomasville, Ga.	Do.
24. Lacy Mitchell.....	Sept. 27	do	Shot.
25. John Willie Clark.....	Oct. 1	Cartersville, Ga.	Hanged.

## 1930 summary, by States

Alabama.....	4
Florida (white).....	1
Georgia.....	7
Indiana.....	2
Mississippi.....	3
North Carolina.....	1
Oklahoma.....	1
South Carolina.....	2
Texas.....	4
Total.....	25

1931

Name	Date	Place	Manner of lynching
1. Raymond Gunn.....	Jan. 12	Maryville, Mo.	Burned.
2. Charles Bannon (white).....	Jan. 29	Schafer, N. Dak.	Hanged.
3. Steve Wiley.....	Mar. 22	Iverson, Miss.	Do.
4. Eli Johnson.....	Mar. 29	Vicksburg, Miss.	Shot.
5. George Smith.....	Apr. 18	Union City, Tenn.	Hanged.
6. Oscar Livingston.....	Aug. 3	Pointe a la Hache, La.	Shot.
7.....	Aug. 5	Haynesville, Ala.	Do.
8. Richard Smoke.....	Aug. 29	Blountstown, Fla.	Do.
9. Charley Smoke.....	do	do	Do.
10. Coleman Franks.....	Nov. 7	Columbus, Miss.	Hanged.
11. Matthew Williams.....	Dec. 4	Salisbury, Md.	Do.
12. Tom Jackson.....	Dec. 10	Lewisburg, W. Va.	Hanged and shot.
13. George Banks.....	do	do	Do.
14. Isalah Edwards.....	Dec. 20	Conroe, Tex.	Shot.

## 1931 summary, by States

Alabama.....	1
Florida.....	2
Louisiana.....	1
Maryland.....	1
Mississippi.....	3
Missouri.....	1

## 1931 summary, by States—Continued

North Dakota (white).....	1
Tennessee.....	1
West Virginia.....	2
Texas.....	1
Total.....	14

## ELEVEN LYNCHINGS FOR 1932—DECLINE OF THREE FROM 1931

NEW YORK, December 23, 1932.—A record of 11 reported lynchings for the year 1932 represents a decline of 3 from the 14 reported in 1931, according to statistics made public today by the National Association for the Advancement of Colored People, 69 Fifth Avenue.

Only one State, Florida, had two lynchings during the year. The other States, which each had one lynching are: Arkansas, Georgia, Kansas, Kentucky, Louisiana, Ohio, South Carolina, Texas, and Virginia.

Two of the victims of lynchings mobs were white, the remainder Negroes. Among the offenses charged to the mob victims were: Quarrel with employer who formed the lynching mob; murder; stealing \$10 bill and wounding deputy sheriff; quarrel over pay, resulting in shooting; dynamiting store; insulting white women.

In all cases the mob either hanged or shot its victim, the body being subsequently burned in the case of Henry Woods, lynched at Jasper, Fla.

In making public the figures, Walter White, secretary of the National Association for the Advancement of Colored People said: "Reported lynchings are three less this year than in 1931. But satisfaction at this slight progress must be tempered by the knowledge that quasi-legal lynchings, shootings by members of posses, hasty court trials with results virtually dictated by mobs, as in Scottsboro, Ala., are little if any better than open and unashamed mob murder. The lynching spirit remains the focal problem of law enforcement in America."

The lynchings in their chronological order as listed by the National Association for the Advancement of Colored People, are:

1. Aged Negro. February. Body found in pond, Brooksville, Fla.
2. David Tillus, April 1, Crockett, Tex.
3. Richard Read (white) April 13, St. Francis, Kans.
4. Walter Merrick (white) May 31, Princeton, Ky.
5. Luke Marion, June 7, Ironton, Ohio.
6. Henry Woods, June 7, Jasper, Fla.
7. Henry Russell, August 29, Newton, Ga.
8. Frank Tucker, September 16, Crossett, Ark.
9. Shadrock Thompson, September 16, Warrenton, Va.
10. Henry Campbell, November, Mullins, S. C.
11. Williams House, November 19, Wisner, La.

Mr. Chairman, I ask unanimous consent that the Clerk may read a resolution which I send to the desk and I yield the rest of my time to the gentleman from New York [Mr. FISH].

The CHAIRMAN. Without objection, the resolution will be read.

There was no objection.

The Clerk read as follows:

## House Joint Resolution 171

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two thirds of each House concurring therein), That the fourteenth amendment to the Constitution is hereby amended, when ratified by the legislatures of three fourths of the several States, and shall be valid to all intents and purposes as a part of the Constitution, by adding to section 1 thereof the following sentence: "To insure to all citizens the equal protection of the laws and a fair trial when charged with crime, the courts of the United States are hereby given jurisdiction to determine, on proper application of any defendant who is charged with crime, whether such defendant's constitutional right to the equal protection of the laws and to a fair and impartial trial is prejudiced by considerations of race, color, or creed, or any other condition to the disadvantage of such defendant, and the said United States court shall have power, subject to the right of appeal as in other cases, to transfer the trial of such case to such other jurisdiction as in the judgment of the court will insure a fair and impartial trial."

Mr. DE PRIEST. Mr. Chairman, I ask that the resolution be referred to the proper committee.

Mr. Chairman, I yield the rest of my time to the gentleman from New York [Mr. FISH].

The CHAIRMAN. The gentleman cannot yield in the second degree.

Mr. DE PRIEST. Then I yield back the balance of my time, Mr. Chairman.

Mr. BUCHANAN. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. SUMNERS].

Mr. SUMNERS of Texas. Mr. Chairman, I want to direct the attention of those dealing particularly with our economic



problems to one element in the situation which I think ought not to be forgotten.

We are dealing with inflation. We are giving to the President many different sorts of power, and the public opinion and the public purpose of the Nation are concentrating themselves upon our economic difficulties.

I have been here 20 years. It seems to me a great pity that Members of Congress cannot assemble and, figuratively speaking, sit around the council table and without oratory and without passion give intelligent, constructive consideration to their difficulties.

We have in our economic organization a maladjustment which lies at the seat of our trouble. The physician who finds his patient ill seeks by intelligent diagnosis to discover the origin of the trouble. I do not believe we are accustomed to doing this in dealing with our legislative difficulties. Some fellow gets up and makes a great big speech and somebody gets up on the other side and says it is not true, that the other thing is right. Fundamentally this is one of the difficulties. Fundamentally this is the reason we are in this situation. We have had plenty of intelligence in this country to have prevented our getting into the difficulty we are in, but we have not applied our intelligence to our problem.

We have given to this crisis in its approach as low an order of applied intelligence as ever a people gave to their difficulties. I am talking about a people now, just a people. Really, we have not given a standard of intelligence to these approaching difficulties that would reflect any credit upon 14-year-old children. I am speaking about the American people, about you and myself, your people and my people.

Another difficulty with us is that we are each one looking after his own interests, and it is natural for each to look after his own little group, but we have got to broaden out. This was all right when the individual was the economic unit and the community was the economic organization. Then we could do it. But it is not all right when your business is part of the business of my people and the business of my people is a part of the business of your people.

This is one time where we will stand or fall together. New England and Texas are one. They are part of the same economic body. We must take this psychological attitude toward our problem in order to have any chance of pulling out of the situation we are in.

I recall in the city of Dallas last fall a man whose business it was to buy jobs, that is, to buy bargains, went up to Boston, Mass. It is a long distance from Dallas, Tex., to Boston, Mass. In 5 days he spent all the money he could get buying jobs. Everybody wanted to sell him everything he had. He came home. Cotton jumped from 6 cents to 9 cents. He was able to obtain more money. He went back to Boston, stayed there 2 weeks, but could only buy \$5,000 worth of stuff. The advance of the chief crop of Texas changed the market in Boston before he could get back there.

Those of us who live in the cities have the city man's angle. Those who live in the country are disposed to have the country man's angle. I live in the city myself. We have a few notions in this country that we have more or less inherited, into which we never stop to examine. In the South, where I was raised, the generation to which my father belonged inherited the institution of slavery. They never thought anything about it. I cannot conceive how anybody ever would have favored it, but they did not understand anything wrong about it. They never really thought about it. Nothing is strange which you are used to. There were no very funny names where you were raised. In New England the institution of the protective tariff has been inherited. When you were a boy you went down to your father's business establishment and found it operating under the protective tariff and you never stopped to examine the situation or the institution. I have learned to love the people who live in New England and other sections of the country. They are the same sort of people as my people. We live under different environments, that is all. It is a perfectly disgusting thing to see people who live in one com-

munity who, because they are not related to some problem as other people are, strut around as though they were made better than other people. It is not really disgusting; it is just rather pathetic. We are the creatures of environment. I understand that.

Some of my friends from New England were talking to me the other day about paternalism and they were terribly against paternalism, or they thought they were; but if I had suggested, and I did suggest in conversation with them—and wait until I get through before you draw your conclusions about what I am driving at—we talked about the tariff and I said the tariff is an exercise of the paternalistic power of government. It is the plan by which the Federal Government sees to it that the beneficiaries, the wards of the Government, get more money for their commodities than they otherwise would get. They realized this, the result. They were not willing to admit that it is paternalism. It is just a rearrangement of the story not as to whose ox had been gored but of whose ox was being fed. There is no use getting excited or calling anybody names. That attitude is not local; it is rather general among human beings. The mistake and hurt, however, are in concluding because of that fact it is a sound attitude.

I am not going to make an antitariff speech now. This is just a part of the diagnosis. Agriculture is a part of every business—in a definite sense the root of every business. It is a part of the one economic body. It is where we took sick economically. In a state of nature where economic law has control everybody buys in the cheapest market and sells in the highest market. In such a market the law of supply and demand operates freely. This is a state of nature. Then we begin to talk around in the country that we wanted our producers to live under better conditions than the producers of the rest of the world, and the scheme we adopted to bring this about was the protective tariff.

Listen to me, now, because I am not going to make the kind of speech you think I am going to make. That benefit operated to disturb the functioning of natural law. When we adopted the protective tariff we arbitrarily raised the prices of the people who were benefited by the tariff one notch above free trade. Of course, somebody had to pay the boosted prices. Immediately that lowered the grain-producers and the cotton-producers and the producers of exportable surpluses a notch below free trade, because they could not buy in the cheaper markets where they sold. This Government would not permit it.

I am talking to you now about the maladjustment of the economic machinery of this country. That is just as important to the city people and, in the long run, to the manufacturer himself as to the farmer, because there are laws of God Almighty which govern the economic body that are just as dominating and controlling as are the laws that govern the human body. We cannot any more violate them in business policy and in economic policy than we can violate them in our human body and escape.

This condition we are in now is not accidental. It comes from a violation of the laws of God Almighty that govern the economic machinery of the universe. As doctors, the time is at hand when we must make a candid diagnosis of the condition of this patient and then use our good sense in dealing with it. It does not make any difference where we live or what our business is, this thing is not far away from us. It is in us and of us, because now all businesses are interrelated and interdependent to such a complete degree as to make up one unit with a circulatory system as clearly defined as is that of the human body.

The grain farmers and the cotton farmers cultivate about 80 percent of the acreage of America.

[Here the gavel fell.]

Mr. BUCHANAN. Mr. Chairman, I yield the gentleman 10 additional minutes.

Mr. SUMNERS of Texas. Mr. Chairman, I was talking to some of my friends in New York not long ago about their business conditions. They are great business men, great captains of industry, and I asked them, "How do you expect



to sell your stuff in New York to people who are able to buy with only that amount of money which they receive from 8-cent oats, 15-cent corn, 5-cent cotton, and 25-cent wheat?" Those are about the prices which farmers got on the farms for the last crop.

You cannot take any more blood out of your hand through the venous system than you put in through the arterial system. That is all there is to it. This thing that is most wrong with us is a disturbance in the circulatory system; that is all. Many things are suggested; many things are doubtless needed now; but I do not care what else we do—I make this statement, and I am just as certain I am right as I live—in some sort of way we have got to give back to these producers of exportable surpluses that which represents the disadvantage which this Government creates between the protected status, the price-booster status, of those whose prices are boosted and the farmers whose prices are below free trade.

I do not say you ought to abolish the tariff. I am not talking about it at all. I am talking about a maladjustment. Here are these farmers who take their cotton and their grain and sell it in competition with the cheapest producers on earth. We are not talking about a theory; we are talking about a fact, dealing with this economic body that is made up of all the industries and all the people of this country.

To these farmers the American market is the poorest market in which they sell. For the manufacturers it is the best market. To the American farmer it is as much lower than the foreign market as the cost of transportation from America to the foreign market.

Now, there has to be something done about it. That is what I am saying. I do not say now what you have to do about it, but I say you have to do something about this maladjustment. It violates the law of God Almighty that governs the economic body of this country. I do not care what your notion is; I do not care where you live—it has got to be done, and if we had done it before or if we would do it now we would not have to be giving all these extraordinary powers to the President of the United States, which are dangerous powers for anybody to possess. But under our circumstances it is perhaps more dangerous not to give them. That is the price we pay for the violation of a natural law.

When you trace down to the genesis of these dangerous things that governments do, you find 9 times out of 10 you are compelled to do dangerous things because you did not do the sensible, safe thing when you ought to have done it.

Suppose this thing were reversed. Suppose the manufacturers of this country sold in competition with the cheapest producers on earth. Let us get this picture. You know you cannot think in just any language you have knowledge of. Ordinarily you think in your native tongue. Suppose the manufacturers of this country sold in competition with the cheapest producers on earth and had to bring this money back here and buy agricultural products at boosted prices. How long could they do it? They say they cannot even sell in competition with the cheapest labor on earth, do they not? They say they cannot survive and do it, do they not? Then in the name of common sense how can the farmers not only sell in competition with the cheapest labor on earth but out of the proceeds of such sales pay these tariff-booster prices in the highest market on earth? Talk about the law of supply and demand for these farmers controlling in such conditions is sheer nonsense. It is just a matter of plain horse sense—it cannot be done. But we do not even let them sell on a free-trade basis; do not forget that. We make them bring their money back here and pay the boosted prices.

I am not appealing to any prejudice; I am not talking for the farmers; I am talking for the idle millions who are walking the streets of our cities.

Agriculture is one business that is producing practically 90 percent, or it is producing practically 100 percent.

Now, I want you to visualize this. Agriculture is selling at least 80 percent of its products. Here you have a big pro-

duction movement out to the city, but the trouble is we do not give the farmers enough money to draw the commodities movement from the city in their direction.

I do not care what your attitude is toward the man on the farm. We have got to work out a plan that will give him enough money in this movement of his in our direction so that we can move our stuff in his direction.

Inflation and all that kind of thing may be necessary under the circumstances which we have permitted to develop, but, in my notion, we have plenty of money, we have plenty of factories, we have plenty of people to operate them, plenty of transportation facilities, but things are not circulating. We have got to have circulation; and in order to get it the relative price of what the farmer sells must be increased until it is raised to the point where trade contact is established between his products and ours. Everybody who has any sense knows it—I mean anyone who has just a little bit of sense—if he will only look at things as they are.

When you come to examine it historically, our difficulty began in the paralysis of the purchasing and debt-paying power of these 30,000,000 farmers. I am not arguing anything, but stating what everybody knows to be the fact.

What happened? They got where they could not buy the factory goods—trucks, clothes. Agriculture is a business that wears out stuff. They use up wagons and tools; they wear out their clothing; they are consumers of everything from the factory.

I am not theorizing but I am only stating facts.

When they got where they could not sell the products of the farm at a price which would enable them to buy products from the factories, they had a little money in the bank, a little equity in property. They spent their reserves and they borrowed more money. Then they reached the point beyond which they could not borrow any more. They could not get anything from the reservoir. It was dry.

Then the village like the one I used to live in, which rested directly on top of the farms, composed of a thousand people, who got everything they had from the farmers, when the farmers could not buy from them, still the people of the village kept on buying a little while longer. Then the cities like Dallas, that I live in, with approximately 300,000 people did not buy as they had done, because they could not sell to the villages, and the villages could not buy because they could not sell to the farmers. But people in cities like Dallas drew on their savings for a while.

That sort of thing, like creeping paralysis, went on until cities like Boston and New York were in the same condition.

Now, what would a good doctor do? What would anybody with good sense do? I think he would start up the circulation where the paralysis began.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BUCHANAN. Mr. Chairman, I yield the gentleman 5 minutes.

Mr. SUMNERS of Texas. Mr. Chairman, I am not trying to do any oratorical stunts. We have all got to sit around the council table. We fellows from the South, we men from New England, we from the West and the North are not getting anywhere with all this legislation we are passing now, except just hoping to live until tomorrow. The real job is yet to be done. I am not criticizing. I am going along with the program. The President is trying to turn us face around in the right direction. I am doing my mite to help, but we must not forget the job of tomorrow, everybody's job.

Mr. MOTT. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. MOTT. Everyone, of course, will agree with everything the gentleman has said, particularly his statement to the effect that what should be done is to get our wealth and products and money into circulation.

Mr. SUMNERS of Texas. Yes.

Mr. MOTT. Has the gentleman a suggestion as to how Congress can bring that about?

Mr. SUMNERS of Texas. I believe I will speak about that briefly though my purpose on this occasion is to help, if I can, toward an agreement upon at least one basic thing



upon which, in my judgment, there must be agreement if we are to work out of our difficulty. I have spoken of the tariff. I recognize that we cannot at this time deal with the tariff as an academic proposition. I recognize that as a fact. I believe this country made two tremendous mistakes. One was slavery and the other the adoption of the protective tariff. I believe if we had remained an agricultural country, and our people had done their own work, and we had let nature take its course, we would have had cities early enough, but we cannot deal with that now. I lay this down as a sound proposition: As long as we have the protective tariff we have to give back to these producers of the exportable surpluses, arbitrarily, by the Government that which we take from them arbitrarily by the Government to maintain the tariff system. Answering the question propounded to me, I favor a straight export debenture, myself. Does that answer the gentleman's question?

Mr. MOTT. That answers it partially. I also believe that way if the gentleman cares for my views. But my particular question was directed to the possibility of Congress doing anything to restore prosperity by getting our goods and wealth and money into circulation, as the gentleman has suggested. Does the gentleman think Congress has already done that?

Mr. SUMNERS of Texas. I repeat what I have said; we have been going along foolishly and irresponsibly until we have reached the brink. Extreme measures have to be resorted to to save us from the most imminent peril of the greatest magnitude. Arbitrary things are being done, but these things do not fit into the ordinary times and lives of a free people. They do not tend toward self-thinking and self-acting, without which the development of individual capacity necessary to maintain free government is impossible.

If we revive the buying power of these farmers by giving back to these farmers what we have taken from them by the might of government to support the tariff-boosted prices of others, I think it would help very much. This is the one place in our economic body where we know that an act of government has disturbed natural arrangement. We will have to give it back to them arbitrarily, since we have taken it away from them arbitrarily. I do not believe in the idea that is involved in many of these measures, that we should regard our agricultural surplus as something that is a curse from God to be got rid of. Why, there is not a statesman in Central Europe who would not give half the economic strength of his people to have that sort of a surplus. I agree we are producing too much. The land is too hard-driven. There are two sides to this problem, and we must not lose sight of the other side. From what I see of the people, it is as much a problem of underconsumption as of overproduction. If we would reestablish the broken trade contact between our factories and our farmers, we would consume more of their products and they would start our idle people and our idle factories to work. If we would give to them in addition to present prices what we take from them to boost our factory prices out of their reach, we would about do the job, aside from the condition created by our indebtedness, and it would help that greatly.

Mr. MOTT. That is my question. What does the gentleman suggest?

Mr. SUMNERS of Texas. Straight export debenture. That is my notion. Of course I am going along with the program.

Mr. MOTT. That will restore prosperity?

Mr. SUMNERS of Texas. It would greatly help. That is what I think. If you can revive the buying power of these farmers, give to them for that which they sell to us a price proportionate to that which they pay for stuff that we sell to them, they would begin to buy and villages like Garland, where I used to live, would buy and cities like Dallas, where I now live, would buy, and factories would hum again. There is no doubt about that. I do not care what you do. You can inflate and inflate and do whatever you please. That would help probably with our indebtedness. But until you remove that economic maladjustment under which a

part of the producers of this country have their prices boosted above free trade and part of the people have their prices driven below free trade, you cannot straighten this situation out.

Mr. EDMONDS. Mr. Chairman, will the gentleman yield? Mr. SUMNERS of Texas. Yes.

Mr. EDMONDS. I take it that you think now that the present bills that we are passing are only temporary and that the result will not be permanent?

Mr. SUMNERS of Texas. That is right.

Mr. EDMONDS. And Congress should get to work and do something that will permanently meet this situation.

Mr. SUMNERS of Texas. I would like to put it in this way: Democrats, Republicans—East, West, North, and South—I think the time has come in this country when, regardless of where we come from or what our people do, we have to recognize that we are one country and that every business is a part of every other business, and devote good old-fashioned practical horse sense to a consideration of our problems, recognizing that there are laws of nature, laws of God Almighty, that govern the economic and political machinery of the people, just the same as there are natural laws that govern the machinery of the human body, and that a maladjustment such as I have pointed out must be corrected, just as a similar maladjustment in the circulatory system of the human body would have to be corrected. And it is a job for all of us and big enough for all of us, Democrats and Republicans, from the North and the South, and from the East and the West. Of course, there are other important problems, such as marketing, preservation of soil fertility, and so forth, but in this discussion I am dealing with only the one, this governmental discrimination against agriculture and the effects for which that discrimination is in no small degree responsible, and which must be corrected regardless of what else may be done. [Applause.]

Mr. BACON. Mr. Chairman, I yield 15 minutes to the gentleman from New York [Mr. WADSWORTH].

Mr. WADSWORTH. Mr. Chairman, I had gotten my alleged mind all worked up and lined out to make what I have heard called in another body a few unnecessary observations concerning certain features of the so-called "independent offices appropriation bill", but listening to the exceedingly interesting address of the gentleman from Texas [Mr. SUMNERS] has pretty nearly thrown me out of step, and I am fearfully tempted to discuss what he has been discussing.

Mr. SUMNERS of Texas. Please do so.

Mr. WADSWORTH. I shall not for any length of time, but may I say, without making any effort to diagnose the nature of all our troubles and with not much confidence that I would ever be able to propose a panacea, that commencing with August 1, 1914, the human race has suffered from its own excesses in peace and in war. Certainly no one would deny that the four and a half years of warfare was an example of human excesses never equaled in the history of the world.

The destruction of property and life which we, in our optimism, believed for a few years after the close of hostilities could be repaired in a moment, that same destruction of property and of life at wholesale is still handicapping our efforts toward progress. Then, instead of behaving sensibly immediately upon the close of hostilities, a so-called "treaty of peace" was entered into at Versailles, many of the provisions of which violate all sense of proportion and decency of thinking people, patriotic people, in various nations, and many of which, in addition, violate economic laws, especially in their effect upon international trade.

Then, again, in our optimism we allowed ourselves to fall prey to that human weakness which leads multitudes of people into believing that the past may be forgotten—the destruction, distress, and sorrow—and to embark upon a great program of industrial expansion the world over. And the cry was, in spite of the huge debts piled up during the war, figures never before dreamed of in the history of man, "let us borrow some more; let everybody borrow"—governments,



States, municipalities of all kinds, villages, counties, school districts, corporations, individuals. The cry was for more credit. I heard it in another branch of this Congress 7, 8, 9, or 10 years ago. More credit! more credit!—forgetting that every time you create additional credit you create an additional debt. So it went, a perfect orgy of it, some of it politically agitated by the people of both great political parties in this country; much of it politically agitated by leaders of political movements in other countries, and government after government went into it, government after government tried to persuade their people to go into it still further and further, until finally the props which for the moment, for a few years, had upheld this great flimsy structure, those props which had been weakened by the wholesale destruction of property during the World War, collapsed, and the whole business smashed down into the cellar, the effect, in my humble judgment, of the excesses committed by human beings in peace and in war. The human race has piled up a debt in the aggregate which it cannot pay. It is too big. This Congress is making an effort to relieve certain sections of our people of that debt. I might make this observation, that a large portion of the ills of the people of this world today is due to the unwise political acts of governments and of peoples. [Applause.]

And if we would repeal, if nation after nation would repeal nine tenths of the attempts to alter economic law by statute, we would emerge from our difficulties a great deal quicker than we will by any artificial device added to the multiplicity of artificial devices already on our statute books. [Applause.]

Mr. THOM. Will the gentleman yield?

Mr. WADSWORTH. I yield; yes.

Mr. THOM. Will the gentleman specify the particular pieces of legislation in the United States that ought to be repealed? Not all of them, of course.

Mr. WADSWORTH. For one, I never had any confidence in the attempt to fix or peg prices of wheat and cotton.

Mr. THOM. Well, that has been repealed.

Mr. WADSWORTH. Yes; that has been repealed. I have no faith in this farm-relief measure. It is a price-fixing measure, and in my judgment its provisions are fantastic. It will not help the farmers of this country or the country at large. It is another artificial device engaged in by Government. I do believe that those measures which tend soundly to relieve great numbers of people of the severity of their debt, so that it may be extended over a period of years and make it a little easier for the debtor to pay, are wise measures. I have supported and would continue to support measures of that kind, such as the farm mortgage bill and the home owners' mortgage bill, each of which, as you will recall, provides for certain bond issues, \$2,000,000,000 in each bill. My present dread is that inflation will destroy the value and effectiveness of those bonds, and that those two measures will be killed by that third measure which is contained in the omnibus bill now gone to conference.

Mr. RANKIN. Will the gentleman yield?

Mr. WADSWORTH. I yield.

Mr. RANKIN. I think the gentleman put his finger on the sore spot when he spoke of the overwhelming burden of debts throughout the world as a result of the World War. Will the gentleman suggest how those debts can be met? how that question is to be disposed of?

Mr. WADSWORTH. I think no one government can do that, and I doubt if any government can do it within its own borders.

Mr. RANKIN. Can they all do it on present price levels?

Mr. WADSWORTH. It is doubtful that they can all do it simultaneously at present price levels, but it is equally doubtful that governments, acting together, can arbitrarily change price levels.

Mr. RANKIN. I am not trying to argue with the gentleman, but I am trying to get his idea as to what policy, in his judgment, it would be necessary to pursue to meet that overwhelming burden that confronts the people of the world today.

Mr. WADSWORTH. Generally speaking, I would answer the gentleman in this way: As soon as possible, let economic law take its course.

Mr. RANKIN. It is taking its course now.

Mr. WADSWORTH. No; it is constantly interfered with. And thus far the interference has done no good.

Mr. RANKIN. Suppose we let the economic law take its course. Today we are on a price level about one third or one fourth as high as it was when these debts were incurred. We are now asked to pay these debts—not only the people of the United States but, as a rule, the people of the world are asked to pay these debts—fixed charges, with commodity prices; and if you take it on an average, including wages, and people who are receiving no wages at all, the average is only about one third of what it was when the debts were incurred. Under these conditions how are the people of the world ever to meet these debts without bringing this price level back to what it was when the debts were incurred?

Mr. WADSWORTH. The gentleman evidently has in mind, of course, an increase in the circulating medium as the method of bringing up the price level. My judgment is—and I do not pretend to be an economic expert concerning these things—that that is another artificial device which, while it is attractive, may turn around and hit you before you have had it in operation very long.

Mr. RANKIN. We had an inflation of the circulating medium at the time these debts were contracted. Now, my only answer to this question is to bring back the price level by an increase of the circulating medium. By what other method can we find a way out of this dilemma?

Mr. WADSWORTH. I have not believed in the export debenture. Nevertheless, it has always appealed to me that the prosperity of agriculture—and I agree with the gentleman from Texas that the prosperity of agriculture gives prosperity to the rest of our economic structure—rests upon its ability to get rid of its exportable surplus. The return of the buying power of the rest of the world is just as important as the restoration of the buying power of our own people. I do not believe buying power can be restored by doubling the number of dollars.

Mr. SUMNERS of Texas. Mr. Chairman would it interrupt the gentleman if I asked a further question?

Mr. WADSWORTH. I want to get to another phase before very long. I did not realize I was getting in so deep.

Mr. SUMNERS of Texas. We will get the gentleman more time. The gentleman is very well informed. The gentleman has spoken of the artificial and arbitrary nature of many devices that have been used. In the judgment of the gentleman if one arbitrary thing is at work can we expect the economic law to correct the results of the arbitrary thing?

Mr. WADSWORTH. No; we cannot.

Mr. SUMNERS of Texas. Then it is necessary to do another arbitrary thing to balance against the first one.

Mr. WADSWORTH. I wonder if that is the right way to solve it? I am not directing attention solely to the protective tariff in the principle of which I believe, but there are too many arbitrary things going on the world over these days that interfere with these natural laws.

Mr. SUMNERS of Texas. I agree thoroughly with the gentleman. Let us take the principle of the tariff for instance. The tariff is a policy under which by might of government something is taken away from one group and given to another. This being so, is it not necessary to take back from this group and give it to those from whom you have taken it in order to counteract the interference with the operation of the natural law?

Mr. WADSWORTH. I have not attempted to make a complete discussion of the whole situation.

Mr. SUMNERS of Texas. I wish the gentleman would take the time to go into it farther.

Mr. WADSWORTH. I do not have enough time to completely discuss this subject.

I think others than the United States are involved in this thing. I think no additional artificial device employed by



the United States will correct our whole domestic situation until artificial devices in other countries can be done away with. Today there are quotas and restrictions against us and all sorts of things directed against the United States.

Mr. SUMNERS of Texas. Would it interrupt the gentleman if I asked one more question?

Mr. WADSWORTH. It certainly interrupts, but I do not mind. I shall try to answer the inquiry, but I am not sure I know the answer.

Mr. SUMNERS of Texas. Well, none of us does.

Mr. WADSWORTH. I admit I am groping around myself.

Mr. SUMNERS of Texas. Well, all of us are. We have plenty of time this afternoon. The galleries cannot hear us, so we might as well talk about this thing.

Mr. WADSWORTH. It is a pleasant conversation.

Mr. SUMNERS of Texas. And a valuable one, too. Here is my opinion: With agriculture prostrate and almost bled white, should we not give it a blood transfusion? Would not that be the evolution of natural law?

Mr. WADSWORTH. No; that is not the evolution of natural law. I do not think the pending measures constitute blood transfusion. I speak from the point of view of a farmer. That has been my life and the life of my father before me.

Mr. CLAIBORNE. Mr. Chairman, will the gentleman yield?

Mr. WADSWORTH. I was endeavoring to reply to the gentleman from Texas. Perhaps I had better proceed with what I arose to say. He has greatly tempted me.

Mr. ALLGOOD. We will yield the gentleman more time.

Mr. TABER. Mr. Chairman, I yield to the gentleman from New York 15 minutes' additional time.

Mr. ALLGOOD. Mr. Chairman, will the gentleman yield?

Mr. WADSWORTH. I yield.

Mr. ALLGOOD. The gentleman said he believed in letting things take their natural course. Does that mean liquidation?

Mr. WADSWORTH. No; I do not think we need to liquidate entirely. A vast amount of liquidation has taken place already and I dare say it is not all over yet.

Mr. ALLGOOD. I understand that the funded debt of the Nation, the towns, cities, and municipalities, including also private debts, aggregates about \$240,000,000,000.

Mr. WADSWORTH. I am not familiar with the figures.

Mr. ALLGOOD. And that our estimated wealth is about \$230,000,000,000 or \$240,000,000,000.

Mr. WADSWORTH. That is a bad prospect.

Mr. ALLGOOD. If you let matters take their natural course and liquidate, the gentleman can see the condition in which we will all be. It will just mean the wiping out of our holdings.

Mr. WADSWORTH. On the gentleman's statement, that is a bad prospect.

I said a moment ago that I had not much faith in the pending measure for the relief of agriculture. I referred to the "farm relief bill," so-called. I think that is an additional artificiality which will not work, and I was about to say I am rather old-fashioned on that, being in the business myself and having been in it all my life.

Thus far, in my humble judgment—and I say this with much humility and with some trepidation—I have gained the impression that most of the so-called "farm relief bills" have been well calculated to relieve the farmer of what he has left, and as a member of that trade or vocation I as an individual would rather be left alone, provided I can get some easement for my debt. I do not want my business regulated by the Secretary of Agriculture or anyone else. If I am not fit to conduct it, then I deserve to lose it, and I hope that Uncle Sam will never be dressed up as a nurse-girl to take care of people who cannot run their businesses.

Mr. BROWN of Kentucky. If the gentleman will yield, I should like to ask the gentleman if Uncle Sam has not been acting as a nursemaid for special privilege in this country for many years, and if the Government has not pegged the price of aluminum and the price of plate glass and the price of many other articles that have been controlled by

those in high Government authority in this Nation for many years.

Mr. WADSWORTH. I had not been aware of that, and had thought competition still existed in this country, and I still hope it does.

I now desire to get to another branch of my statement.

Mr. PATMAN. May I suggest to the gentleman that the price of aluminum has remained the same during this time?

Mr. WADSWORTH. If I may now continue my old-fashioned remarks, I had expected to say something on the independent offices bill in relation to that part of the bill which gives to the President the power to do things to the Army. I had thought that bill would come before the House this afternoon, but I am informed it will not come before the House until Monday afternoon; and as I shall not be able to be here on Monday, being under obligation to pursue an agricultural errand upon that day in the city of Chicago, at the much-abused stockyards, I am imposing upon the patience of the House for a few moments to say something about the Army and some of the proposals which have to do with it.

Not long ago there was given out from some source of authority—I cannot quite identify the source—a program for a drastic reduction in the Army of the United States, designed to save, it is alleged, \$90,000,000 from the military activities appropriations for the War Department.

The program included proposals for the furloughing of between three and four thousand Regular Army officers at half pay, plus pay to enable them to reach their homes wherever those homes may be, and most of them have no homes; the discharge of 12,000 enlisted men from the Army; a substantial reduction of flying pay for the members of the Air Corps; the abandonment of the National Guard training camps, which are run each summer for 2 weeks; the abandonment of the Reserve Officers' Training Corps training camps; and various other reductions in the military activities of the Army of the United States.

I say that I have not been able to identify the source of this announcement which was made Nation-wide and in great detail. I sat as a spectator in the room of the Committee on Military Affairs the other day listening to an assistant to the Director of the Budget while the members of the committee, and especially the chairman, the gentleman from South Carolina [Mr. McSWAIN], who is present here, endeavored to find out just what were the plans of the administration with respect to the handling of the Army and the proposed economies. I think I am not far wrong in saying that the committee found out just exactly nothing, as the gentlemen before the committee at that time said there were no plans and he did not know where these suggestions had come from, and that all that he had in mind was that the President be given the power to do all these things, which, of course, leaves me, and would leave the average Member of the House of Representatives, completely in the dark as to what is to happen to national defense if these bills pass.

I do not need, I am sure, to enlarge upon the terrific effect upon the Military Establishment of the carrying out of the proposals which have been made. I suspect some of them will be abandoned, because already they are beginning to acquire an atmosphere of absurdity. For example, with respect to the proposal to furlough between 3,000 and 4,000 officers of the Regular Army at half pay, let us remember another thing which the Government is embarked upon, and that is the so-called "reforestation camps."

I happened to drop into the War Department the other day to inquire about the progress made in recruiting these unemployed young men and sending them to the camps and was shown a map of the United States upon which there were indicated by pins inserted in the surface of the map the camps which have thus far been approved. This was at the beginning of last week.

Up to that day 749 of these forest camps had been approved as to their location. The War Department, the General Staff, has been informed by higher authority that the total number will be 850 camps.



It is interesting to know that while the bill which authorized the President of the United States to take these 250,000 young men was under discussion, and sometime before, it was generally understood and asserted by a large number that there would be nothing military about the camps. Perish the thought, said the pacifists, that 250,000 of these young men should be put under the brutal influence of officers of the Army. That would be a terrible thing. So it was announced at that time that the Labor Department was going to do the work of recruiting and sending the men to the camps. But it turned out that the Labor Department had no offices distributed over the United States suitable for gathering in this army of 250,000 young men. Suddenly somebody remembered that the Army had recruiting stations scattered over the country, and so a hard-boiled sergeant out on the sidewalk herded them together, took them upstairs, and an Army medical officer gave them an examination.

Then it was remembered that the Labor Department did not have any places scattered over the country where these youngsters could be conditioned. So, come to think of it, the Army has posts, and we will send them to the Army posts; and so it was done. And the recruits were sent to the quartermaster stores, where they were fitted out and given blankets, and so forth.

Then it turned out that the Labor Department had no means of feeding 250,000 young men, but, come to think of it, the Army quartermaster has those facilities, and so the old rolling field kitchen made its appearance. Then, later on, it was determined that some sanitary measures had to be enforced, and the Labor Department has no facilities for that. But, come to think of it, the Army had officers with medical training, and so medical officers were put in the camps.

Then, of course, there must be some kind of discipline, and so it has been determined that 4,000 officers of the Regular Army must go to the camps and remain on duty for the duration of the camps.

My suggestion is, why delegate to the President power to furlough officers out of the Regular Army, when the War Department is already under instructions to use 4,000 of its officers for this forest army, and the furloughing of Regular officers is utterly impossible unless, indeed, we want to take the absurd step of one group of officers being turned out at half pay and reserve officers being brought back to active duty at full pay in their places. These things occur to us from time to time as we read of these proposals. Somebody got off on the wrong foot with respect to this particular one. It may have been a trial balloon or just an error, a poor calculation. To me—and I do not mean to use any harsh language—it has the aspect of being a half-baked proposal.

I want now to read a letter from a corporal in the Regular Army. His name is Gallagher, a pretty good fighting name. Gallagher is the type of man which I dare say Professor Moley and Professor Tugwell have never come in contact with. It is apropos of the duty which the Army, with little thanks from anybody—that is the fate of the Army in time of peace—is now doing with respect to the C.C.C. camps. That sounds like an hypodermic injection, but it is not. It is the Civilian Conservation Corps. This letter is written to me under date of April 21. Gallagher has something to say about the regular soldier, and so seldom is it that the regular soldier's psychology is discussed on the floor of Congress that I beg you to listen to this letter. You may be somewhat surprised at its literary style and the intelligence with which the man discusses a very human problem.

Before reading the letter I say that in the interview, to which he refers in the Buffalo paper, I made the statement that the private soldier receives \$21 a month. The letter reads as follows:

BUFFALO, N.Y., April 21, 1933.

The Honorable JAMES W. WADSWORTH,  
House Office Building, Washington, D.C.

DEAR SIR: Today's issue of the Buffalo Courier-Express carries an article relative to the statement by the Congressman dealing with the economic angle and relation of the Regular Army and the Civilian Conservation Corps. It is only natural that I, or any

other enlisted man of the Regular Army, should take cognizance of your particular statement. Hence this letter.

The statement in itself explains a thought that has been in every enlisted man's mind ever since the idea of the reforestation camps was instituted. On one hand are professional soldiers—who have devoted the best years of their lives to the service of the country—training men who, under ordinary conditions, would have ridiculed the soldier's occupation, and are receiving a pay in excess of the individual soldier.

A "forest army" recruit receives \$30 per month; takes no oath of enlistment, but rather an "oath of enrollment", which in reality is no oath at all. If perchance he decides that his mother made better meals or that his bed at home had been a little more comfortable, all he has to do is to pack up his few personal belongings and his home. There is absolutely nothing that can be done, either by disciplinary action or moral ethics. As a matter of fact, the "political army" hasn't one binding tie.

On the other hand, the Regular Army soldier is bound by his oath of enlistment, and voluntarily so, in addition to Army Regulations, garrison and company orders. The pay of a private is not \$21 per month, the recent 15-percent reduction setting his pay at \$17.85 per month. His laundry deduction further reduces this amount until the average is receiving but \$16.35 in actual cash each pay day. Of course, Army critics will say this is all clear money. But is it? From this amount the soldier is required to maintain his uniforms and equipment in a clean and serviceable order. The purchase of cleaning polishes and the pressing of his uniforms will require at least \$2 more per month of the soldier's money. His toilet articles, hair-cuts, and cigarettes will still further reduce this amount to the point where a private who has a \$10 bill left is rather fortunate. Under present economic conditions many enlisted men are aiding their relatives in whatever small way they can; and granting that he sent the entire amount over and above his actual necessities, he could not help more than to the extent of \$10 per month.

At the present time I am a member of the Second Corps Area recruiting service, assigned to duty at Buffalo, N.Y. On April 10 this station began the allotted 600 applicants for the city of Buffalo. On April 14 the Buffalo office had completed its quota, 300 men having been sent to Fort Niagara, N.Y., and 300 to Madison Barracks, N.Y. Every one of these men was sent to this office from the Labor Department through the local welfare agency. Naturally each applicant was required to present his enrollment application, duly approved by the labor and welfare departments, when he arrived here. In no case was there an application which contained a dependency allotment for less than \$22 per month, and in a few cases it reached \$25 per month to dependents. This is all very fine, and no doubt will be of great assistance to many deserving relatives, but Regular Army soldiers under the same conditions cannot allot more than \$10 per month to their needy dependents. Under present Army recruiting standards it is safe to say that not more than 30 percent of the forest-army applicants could have passed the Regular Army mental and physical examinations, while the Civilian Conservation Corps requirements were summed up in the telegraphic instructions as "to be able to perform ordinary labor."

As a matter of record, a large number of the Civilian Conservation Corps enrolled applicants were men who had previously been rejected at this station for Regular Army service, and because of this inferiority they now receive \$30 a month instead of the Regular Army pay of \$17.85 per month. Even as a private, first class, in the Regular Army he would be receiving but \$25.50 per month at present. Is it any wonder, then, that many Regular Army soldiers are speaking of taking their discharge upon dependency and enrolling in the forest army? In the interest of economy such a procedure will have defeated its own purpose. Now that the administration is considering the discharge of 12,000 enlisted men, it will in many cases not only place the discharged soldier upon the shoulders of some welfare agency but, in the absence of his assistance, will very often place his immediate family upon a charitable agency. All this aside from the point of moral and self-preservation. It seems that the Regular Army soldier is the real "forgotten man." After all, he, too, is a citizen of the United States.

Thanking you for your tolerance, I am, confidently and respectfully yours,

WILLIAM M. GALLAGHER,  
Corporal (DEML) (RS).

I might inject this observation in view of the statement I just read: That I heard today, through an indirect channel, but nevertheless entirely reliable, that a major general commanding a division in the Southwest reports that his men are tumbling over themselves trying to get out of the Regular Army and into the forest army.

Mr. THOM. Service in the forest army, of course, will only be for 6 months, the gentleman understands?

Mr. WADSWORTH. I do; but I have been talking about the psychological effect upon the soldiers of the Regular Army. Gentlemen of the House, we should not have reduced the pay of these Regular Army privates and corporals. Witness their humiliation under the circumstances described by Corporal Gallagher. Witness the effect upon their morale. Remember, these men are relied upon to give everything they



have in the service of their country. They are a lot of self-respecting, upstanding, clear-eyed fellows who set a fine example to the rest of us. Gallagher is a type. You will find him today in the Fifteenth Infantry at Tientsin calm in the midst of Asiatic chaos. He endures the drenched heat of the Isthmus. He stands guard in the sunlight of Hawaii and the snows of Alaska. Yes; all too often he is the "forgotten man." But he is human; also, he is a fellow citizen of ours. Let him be treated decently by the Representatives of the people he serves in peace and in war.

The CHAIRMAN. The time of the gentleman from New York has expired.

During the reading of the letter the following occurred:

Mr. BUSBY. Mr. Chairman, I make the point of order that a quorum is not present. The gentleman from New York is making a very interesting speech, and I think he should have a quorum.

Mr. WADSWORTH. Oh, do not do that. I would rather yield the floor than put Members to that trouble.

Mr. BUSBY. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN (Mr. McFARLANE). The Chair will count. [After counting.] One hundred and five Members are present, a quorum.

(Mr. WADSWORTH concluded the reading of the letter.)

Mr. BUSBY. Mr. Chairman, I make the point of order that there is no quorum present, and I call the Chair's attention to the fact that a number of gentlemen on the floor are ex-Members, and also to the fact that there are employees of the House on the floor, and I ask the Chairman not to count them in determining the presence of a quorum.

The CHAIRMAN. The Chair will count only Members. The Chair will count. [After counting.] One hundred and one Members present, a quorum.

Mr. BUSBY. The Parliamentarian has not been counted.

The CHAIRMAN. The Parliamentarian informs the Chair that he has counted 102.

Mr. AYRES of Kansas. Mr. Chairman, I yield 15 minutes to the gentleman from Ohio [Mr. TRUAX].

Mr. LAMBERTSON. Will the gentleman yield to me?

Mr. TRUAX. I yield.

Mr. LAMBERTSON. As a fellow farmer of the gentleman from New York [Mr. WADSWORTH], I should like to state that the gentleman from New York said something in his remarks at the beginning which interested me very much. He said he was going to make this speech today because he could not be here Monday; that he was going to be at the stockyards at Chicago. That remark created a great deal of curiosity in my mind. I have fat cattle to sell, and I am telling them to hold them because the market is going to get better on account of the inflation. I wonder if the gentleman from New York is going there to buy cattle and put them in the feed yard next Monday because this inflation is coming? [Laughter.]

Mr. TRUAX. In answer to the gentleman's question, I would say, in view of the gentleman's reputation as a good business man, he is going to buy cattle on Monday, not alone because of the inflationary monetary program but also because of the farm relief bill that has been sponsored by the greatest and most constructive President that this country has had in decades, Franklin D. Roosevelt. [Applause.]

Mr. Chairman, it is not my intention to criticize any of the remarks made by the gentleman from New York [Mr. WADSWORTH], but since the gentleman has criticized certain appointees of President Roosevelt and certain policies that have been enacted into law by this Seventy-third Congress, it becomes my duty to make a few observations concerning the farm relief bill.

In the first place, I have been a farmer all my life. Until 1923 every dollar I ever made in the world was made from a farm. Following 1923 I had to seek other sources of income, as did thousands of farmers in this country of ours, to make a living and to pay taxes on my farm. A farm today, my friends, is a very good investment if you have sufficient income to support it. So far as I am concerned,

I am one of those 3,000,000 farmers in this country today who is hanging on by the skin of his teeth. I have done my best.

Mr. BUSBY. Mr. Chairman, a quorum evidently is not present. I make the point of order that a quorum is not present. We should not be proceeding with a handful of Members. I am going to insist that a quorum remain present.

The CHAIRMAN (Mr. McREYNOLDS). The Chair will count. [After counting.] Sixty-eight Members are present; not a quorum.

Mr. AYRES of Kansas. Mr. Chairman, I move that the Committee do now rise.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. BYRNS. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chair appointed Mr. AYRES of Kansas and Mr. BUSBY to act as tellers.

The Committee divided; and the tellers reported there were ayes 1 and noes 76.

So the motion was rejected.

The CHAIRMAN. Evidently there is not a quorum present. The Clerk will call the roll.

Mr. BUSBY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BUSBY. Is the roll call automatic?

The CHAIRMAN. There is no automatic roll call.

Mr. BUSBY. I understand no motion has been made that there be a call of the House.

The CHAIRMAN. The gentleman from Mississippi [Mr. BUSBY] suggested that there was not a quorum present. No quorum is present. The Committee has refused to rise. The Clerk will call the roll.

Mr. BUSBY. Mr. Chairman, I make the point of order that the roll call is not in order, because there is no authority for a roll call in Committee of the Whole.

The CHAIRMAN. The Chair overrules the point of order. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 32]

Abernethy	Cavicchia	Hancock, N.C.	Parks
Adair	Celler	Harlan	Perkins
Allen	Chavez	Higgins	Pettengill
Almon	Connery	Hoeppel	Pierce
Ayers, Mont.	Cooper, Ohio	Hornor	Pou
Bailey	Crosser	James	Reed, N.Y.
Bankhead	Culkin	Jeffers	Sadowski
Beedy	Dingell	Jenckes	Schulte
Berlin	Dirksen	Johnson, W.Va.	Simpson
Black	Douglass	Kee	Sinclair
Blanton	Evans	Kennedy, N.Y.	Sirovich
Boland	Farley	Kinzer	Snell
Bolton	Fiesinger	Kvale	Stalker
Brand	Fitzgibbons	Lea, Calif.	Stokes
Britten	Flannagan	Lehibach	Taylor, S.C.
Brown, Mich.	Ford	Lewis, Md.	Thomason, Tex.
Browning	Foss	Lloyd	Treadway
Brumm	Fulmer	McCarthy	Underwood
Buckbee	Gambrill	McGugin	Whitley
Bulwinkle	Gifford	McSwain	Willford
Burke, Nebr.	Goldsborough	Merritt	Wolfenden
Cady	Goodwin	Montague	Zioncheck
Cannon, Wis.	Griffin	Muldowney	
Carley	Haines	O'Brien	
Cartwright	Hamilton	Palmisano	

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. McREYNOLDS, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5390) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1933, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1933, and June 30, 1934, and for other purposes, and finding itself without a quorum, he had directed the roll to be called; whereupon 334 Members responded to their names, a quorum, and he presented a list of absentees for recording in the Journal.

The SPEAKER. The Committee will resume its session.

Mr. TRUAX. Mr. Chairman, I feel that a somewhat further explanation is due to the Members who were so



suddenly called from their labors in their offices. I want to assure them that I was not responsible for this call. I enjoy, I think, the friendship of all the Members of this House. The Speaker of the House has been exceedingly kind to me. So has the Chairman of this Committee, and this Committee itself. I want to give you this explanation of this somewhat unusual procedure.

The gentleman from New York [Mr. WADSWORTH] was delivering an address here and was discussing the merits and demerits of the new farm bill. At one stage of his address he said:

I want no one, including the Secretary of Agriculture, to be a wet nurse to me.

Thereupon my distinguished colleague the gentleman from Mississippi [Mr. BUSBY] made the point of order that there was no quorum present.

After I had started my address I proceeded to the point where I said: "I am one of 3,000,000 farmers in this country who is hanging on by the skin of his teeth, and I am willing to accept any old wet nurse that will pull me out of the hole." [Applause.] Whereupon again the distinguished gentleman from Mississippi made the point of order that there was not a quorum present. Now, as to whether his mind and thoughts were reverting to my remarks a few days ago upon the sex appeal of the American hog I do not know. However, I want to thank the gentleman from Mississippi from the bottom of my heart for getting the Members here on the floor to listen to what I am about to say. [Applause.]

This morning I introduced from the floor of this House a bill which I want each and every one of you, if you please, to give your most serious attention and consideration. I herewith give you 10 good reasons for the immediate enactment of legislation suspending foreclosures:

First. Delay and inaction of Congress and the State legislatures has cost thousands of farmers and home owners their life savings.

Second. The Reconstruction Finance Corporation has loaned more than two billion and a half dollars to banks, railroads, and financial institutions, who hoard this money and will not lend to property owners.

Third. Land values and farm commodities are lowest in history. Foreclosure now is confiscation and legalized burglary.

Fourth. Money is unavailable for property loans because of a money famine. The Seventy-third Congress will remedy this by expansion of the currency.

Fifth. What has been held as law is now regarded as injustice. What was formerly held as orderly Government procedure is now recognized as ruthless tyranny.

Sixth. Each additional foreclosure means lower values.

Seventh. Property owners do not seek dismissal or cancellation of debts. All they want is temporary relief, simple justice.

Eighth. Legislatures of several States have passed or are enacting moratoriums. Ohio will be forced to do likewise.

Ninth. President Roosevelt's farm and home mortgage plans will refinance mortgaged property at low interest rates.

Tenth. Corrective legislation now will prevent wholesale debt repudiation and armed revolution.

The gentleman from New York read a letter from a soldier to prove his point. I want to read to you, as a preliminary to my bill, a letter from a 13-year-old girl back in my State of Ohio. The letter reads as follows:

Am only 13—14 this next April 28, 1933. And how I want to thank you for your stand in asking that foreclosures cease. Mother and daddy have worked unceasingly, scrimpingly, saving every penny, that we children might have a place to call our own home. Right now I'm the oldest, then Billy turned 12, Elaine just now 8, and little Pete just half past 2. You see Mr. Downs, an old gentleman who owns about 35 to 40 houses, has a second mortgage of \$500 on our home and he has threatened to take it away from over our heads. Daddy pays him 8 percent, but is a little back on it; now, this old man is not bluffing, no, siree; because he does that all over and gets the houses; then the Citizens Savings & Loan is foreclosing wholesale here in Mansfield, Ohio. Mr. Bristol is a terrible man, although he hasn't bothered us yet, only once. Mother was in the Thomas Hospital 3½ months; she almost died,

but that didn't make any difference to them! they said so. Now, if daddy had been a bad man or bootlegger, we surely would have been sitting pretty because they seem to be the ones that have their homes paid for, and their stockings ain't full of darns like ours. Our clothes are all made-over things, thanks to mother's needle, but I always have that awful dread when I go to bed of what will happen to our home tomorrow. Am a student of general languages and business training at junior high school, and if you need me down there to tell those gentlemen in Washington, D.C., just let me know; perhaps they never suffered like this when they were 13. May God bless you, Mr. TRUAX; I think you are wonderful, next to those two grandest of all other men, my daddy, and that God-fearing man, a miracle man, President Roosevelt.

#### EXCERPTS FROM MORATORIUM LETTERS

##### COLUMBUS, OHIO.

It is certainly encouraging to know there is a bill coming up to the House of Representatives to regulate legal theft, known under several names; I believe we call it sometimes "deficiency judgment", "foreclosure", and numerous others. The American citizen is as much a slave to the system as they were to the old debtors' prison, for he is hounded to desperation as long as he has anything to make him feel he is a respectable citizen.

The buying of land for future homes on land contract is one of those evils, if when unable to pay for this land, which in fact he cannot get under any other terms but c.o.d. if judgments can be placed against him, and jeopardizes his other possessions, it seems as if we should have evolved enough to eliminate such a practice.

These methods are killing the landable instinct of home ownership, and even now is being very much discussed in family circles. Thrift and home ownership are being called illusions if it can be swept away at one stroke by financial institutions. There is much food for thought here.

##### A CITIZEN.

##### YOUNGSTOWN, OHIO.

More people in Youngstown are commenting upon your fight to force through this moratorium on mortgages than you could imagine.

There are thousands in Youngstown who, through no fault of theirs, find themselves in middle age facing foreclosure proceeding every day.

Some of these have not had any incomes to speak of for the past 2 years, and consequently are back, both in interest and taxes, and all our banks are taking advantage and selling them out.

We see men crazed almost by these conditions, walking the streets all night long, with murder in their hearts, due to the fact that they are powerless in this crisis.

Youngstown, being an industrial town, is especially hard hit. The banks have been helped, railroads financed, insurance companies getting a moratorium, but the father of the family can find no solution to his problem.

Revolution here is just as possible as it was in Russia when the people are goaded too far.

It is all very well for those in Washington, secure in the knowledge that they have ample, to advise others to be patient, but the "masses" have been patiently waiting over 3 years for help and have had none.

Thank God we have one (yourself) representing us.

##### ONE OF THE UNEMPLOYED.

Have been watching the proceedings of Congress since March 4 with much interest, and looks as if there might be a better day coming, especially for the farmer.

In regards to a moratorium on farm mortgages, think it is very necessary that some action along this line be taken. Unless there is, farm after farm will have to be abandoned on account of inability of farmers to raise money at present-price levels.

Mr. Hoover signed bill granting a moratorium on Federal land-bank loans, but this should have included joint-stock land-bank loans also.

The receiver of one of the largest joint-stock land banks located in Chicago, capitalized at \$40,000,000, has issued a moratorium on all of their loans for 2 years. It seems to me that since the Federal land bank and the joint-stock land bank of Chicago have allowed these terms, it would be no more than fair that a law be passed to make all farm loans of such nature come under the same ruling, which would eliminate class legislation, which we cannot help but have under these present rulings. The Reconstruction Finance Corporation Act was no doubt beneficial to those organizations, which it was intended to help, but left the farmer out in the cold to work out his own salvation.

If an appropriation could be made by Government to take over these loans at a reduced rate which could be possible by eliminating these agencies which have been in it solely for profit and not interested directly in the borrower. There is no reason why the farmer should not be allowed the use of Government money at a rate lower than charged by corporations. We are directly interested in any legislation along this line, since we have a loan from one of the joint-stock land banks.

On the question of farm difficulties, looking to relief, there should be no relaxation. Farmers must now strike, while it is opportune, that they may get themselves rightly placed in agricultural and economic demands, in advance of the time which is



now upon us, and not find themselves suffering from visionary impositions by those who will argue that prosperity is here, and no attention need be paid to their pleadings. You, of course, know how these things work if those in industry could now effect an impression upon Congress that no further attention need be given agriculture because of a hope in the minds of our people, might effect them adversely over the future.

Now, this home is about to be foreclosed by one of the large insurance companies which has borrowed money from the Reconstruction Finance Corporation. This bill is designed to prohibit farm and home foreclosures and confiscation of real property by financial institutions that borrow money from the Government under the provisions of the Reconstruction Finance Corporation Act. This bill I am proposing states:

Every applicant for a loan under this act shall, as a condition precedent thereto, file a statement that no farm or real property on which the applicant holds a mortgage, shall be foreclosed because of a default in the payment of either principal or interest, or of taxes, the nonpayment of which constitutes a default under such mortgage, during the period for which the loan applied for shall be in effect.

In other words, gentlemen, are we to lend money to these financial institutions for the purpose of selling out and confiscating the homes of the people who pay the taxes?

Back in 1878 Mr. Carlisle said there were only two classes of people in this country, the laborers, the farmers—the workers who create all of the wealth and pay all of the taxes—and the idle holders of idle capital. Today we still have these two classes, and never were the lines of demarcation so clearly defined as now. The question which you must decide is which side will you be on, upon the side of the struggling masses or upon the side of the idle holders of idle capital. You say to us to plead with these money merchants, these money lenders. We say that we have been to them, and their reply was, "Pay up the usurious interest you owe." We entreated with them, and they answered, "Give us our pound of flesh."

And we have begged of them, and they said, "Like the vampire bats, we will suck the blood from your veins by taking deficiency judgments, too."

And so, Mr. Chairman, I say let us save these homes, let us save these little children, for, as the poet has said, the tone of eloquence may paint pictures of thought on the canvas of ideality, the painter's brush may depict in glowing colors the beauty of man's attachment for man, the poetic muse may lend her charming evidence to the voice of the world to teach us brotherhood and good will, but no more superb principles were ever given to mankind than that of owning and maintaining a happy, contented home. This spirit of home environment, home training, and home influence, like the great sea, has ebbed and flowed throughout all the centuries, beating its countless waves of hope and joy against the shores of time and the sands of eternity. And I would remind you gentlemen that when 400 desperate farmers out on the rolling prairies of Iowa go into the court and drag a judge off his bench and twice attempt to hang him, it is time for this Congress to stop, look, and listen and not refuse longer to grant these people their reprieve, their extension.

They seek not a cancelation or a repudiation of these debts. They merely seek an extension of time until by the products from their farms, by their labors when they are reemployed, they may pay off these mortgages, they may pay off these debts and pay the interest and the taxes thereon.

Why, Mr. Chairman, I submit to you that these men, just 13 years ago, were the real aristocrats of this country, the landed aristocracy, the Knights of Nature's Nobility.

Mr. CLAIBORNE. Will the gentleman yield for a question?

Mr. TRUAX. I yield.

Mr. CLAIBORNE. And, today, they are the welchers of the country, are they not?

Mr. TRUAX. I deny that statement. I say they are the victims today of the wet-nursing of the gentleman's minority party for the past 12 years of every industry save agriculture. [Applause.]

Mr. CLAIBORNE. I am a Democrat, but I believe in personal property.

Mr. TRUAX. Does the gentleman believe in property rights over human rights?

Mr. CLAIBORNE. I cannot see any conflict.

Mr. TRUAX. I say that the confiscation of American homes and farms is the most brazen and arrogant form of property rights over human rights in this country. [Applause.]

[Here the gavel fell.]

Mr. AYRES of Kansas. Mr. Chairman, I yield 10 minutes to the gentleman from Oklahoma [Mr. McKEOWN].

Mr. McKEOWN. Mr. Chairman, there has been a good deal said here this afternoon in regard to artificial legislation affecting the natural laws of economics. Why, Mr. Chairman, the natural laws of economics have hardly had a chance to function in the history of legislation. The creation of money or the fixing of the value of money is an artificiality by which a medium of exchange is to take the place of bargaining. It takes the place of the old process by which we exchanged products for products, like we used to trade coon skins for merchandise in the stores.

They talk about the World War being entirely responsible for the present depression. I want to remind the gentlemen of this committee that three fourths of the people of the world are engaged either in agriculture or in the production of raw products from the mines and the forests and the fisheries of the world. Three fourths of the people in the world today produce their products at less than cost.

Only five nations in the world have any gold to speak of, and five nations of the world have three fourths of all the gold in the world.

Settlements between nations are made by gold in the balancing of trade. Gold is either earmarked for trade or it is shipped from one country to another to balance trade.

The great cotton crop of the United States for 40 years represented the balance of trade between the United States and the European nations. Today there is not sufficient gold in the rest of the world to carry on the commerce of the world. They say they owe us debts which they cannot pay because they have not the gold to pay them with. I want to say here that when the President of the United States, through his Secretary of State, told the debt-paying nations of the world we were willing to accept the next payment in silver, he was taking a step along the right road to bring back world prosperity. Why? Because silver has been the index commodity price and wheat follows silver up and down in its fluctuations in the world market.

I believe we should take silver as a commodity, fixed and based upon a gold standard, and when we do this, then we can afford to say to the foreign countries, "We will allow you more than the present market price because by so doing we lift the price of silver the world over." The minute we lift the price of silver the world over we bring up the value of the money in the Latin American countries, China, and the Far East to a parity where they can buy American goods, then we are going to open the markets of the world and we are going to have world-wide prosperity commence. It would be a startling thing to the reactionaries if the Democrats got prosperity started in this country and all over the world at the same time, but that is what is likely to happen if the President keeps going as he is doing now.

You can go to Mexico and you can get three silver dollars for an American paper dollar. I was down there recently and for a \$5 bill I got 15 silver pesos or dollars.

The Mexican cannot trade with us, because his silver money will not buy in this country in the same proportion as it did in former days. If the foreign countries will pay us in silver, they cannot pay us over \$500,000,000 in silver, because they cannot get it. There is not any more than that in the world to be gotten hold of and brought here. So there is no danger of the United States suffering from an overproduction of silver. There are only about 34,000,000 ounces of silver produced annually in the United States, and if we would say to the debtor nations, "If you will bring

us your silver, we will allow you for it on a gold basis and buy it as a commodity and give you 50 or 60 or even up to 75 cents for it", we would then raise the price of silver over the entire world.

We would also open the markets of China and the Orient, and I may say here that China is one of the few countries that really cares for the United States and really desires to do business with us, because we had sense enough under former administrations to agree that we would take part of the Boxer indemnity and educate their boys in the United States with it; and the best money that the United States could spend today would be to take some of the money that these other countries owe us and let them bring their boys to this country and educate them here.

If we could take these boys from Latin America and bring them to this country, educate them as business men, they would naturally turn to us because they would have a real conception of the American people.

I want to say to you that if they get a conception of the American people it will be different from what they get from the tourists of this country. The tourists have gone abroad with many millions of dollars and by their extravagance and boasting brought this country and the American people into disrepute. If you brought these boys here to see the real American citizens they would appreciate the purpose and intent of our people.

I want to tell you another thing. If we could bring the Mexican boys over here it would not be very long before the bonds of real friendship would be realized.

During my travels in Mexico I was riding over a very bad road, and some of the roads are bad there, I broke down and had to camp. I sent over to a Mexican who had a hacienda nearby, and he sent to me water and milk, and I wondered why he was so friendly. He came to the camp and said to me that he had a boy up at Columbia, Mo., where he was educating him, and anything on earth he could do for me he would be glad to do.

So I want to insist that the United States Government accept from foreign countries all the silver they will pay us and then put it in the Treasury on the gold-standard basis and if necessary we can get our salaries in silver certificates.

Mr. KNUTSON. Will the gentleman yield?

Mr. McKEOWN. I yield.

Mr. KNUTSON. Would the gentleman credit the foreign countries with the silver they gave us at the present market value?

Mr. McKEOWN. I would raise it enough so that they would bring more in.

Mr. KNUTSON. That would be a rebate, would it not?

Mr. McKEOWN. It would be a rebate, but we could take all the silver they would give us.

Mr. KNUTSON. The gentleman stated that there was only \$600,000,000 of silver in the world.

Mr. McKEOWN. I said they could not bring more than \$500,000,000 worth.

Mr. MOTT. Does the gentleman believe in the free coinage of silver?

Mr. McKEOWN. To this extent—if we are unable to live under the gold standard, if we could bring in one standard and use silver with gold coin—you do not have to have a double standard, but have one standard and coin silver freely, I would be in favor of that.

[Here the gavel fell.]

Mr. BUCHANAN. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. SWANK].

Mr. SWANK. Mr. Chairman, I have asked for this time to announce to the Membership that I have filed a motion to discharge the Committee on Agriculture from further consideration of the bill H.R. 2855, which is commonly known as the "Frazier bill", introduced in the House by the gentleman from North Dakota [Mr. LEMKE]. The bill provides for refinancing farm loans and that the money shall be derived by the issuance of 1½-percent bonds, which if not sold, and they will not be sold at that rate, will be presented by the Federal Farm Loan Board to the Federal Re-

serve Board as a basis for issuing Federal Reserve notes to loan direct to the farmers. The bill provides that such loans shall be made at a rate of 1½-percent interest and 1½-percent principal per annum.

I am informed that the legislatures of 20 States have passed resolutions memorializing Congress to pass this bill. The motion is now on the Clerk's desk, and all Members of the House interested in the bill who agree with me that it should be enacted into law now have an opportunity to sign the motion and bring the bill before the House for consideration. I would like to see the bill enacted for the benefit of our farmers and the country.

Mr. BUCHANAN. Mr. Chairman, there are five gentlemen to whom I have promised time. I want to say that if they will be here tomorrow promptly after the reading of the Journal, I will give them the time.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. McREYNOLDS, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee had had under consideration the bill H.R. 5390, the third deficiency bill for 1933, and had come to no resolution thereon.

#### FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Horne, its enrolling clerk, announced that the Senate insists upon its amendments to the bill (H.R. 4606) entitled "An act to provide for cooperation by the Federal Government with the several States and Territories and the District of Columbia in relieving the hardship and suffering caused by unemployment, and for other purposes", disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. FLETCHER, Mr. WAGNER, and Mr. NORBECK to be the conferees on the part of the Senate.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. HIGGINS, indefinitely, on account of illness in family.

To Mr. HAMILTON, for the remainder of the week, on account of important business.

To Mr. FARLEY, for 3 days, on account of death in family.

#### EXPLANATION OF A VOTE

Mr. BYRNS. Mr. Speaker, the gentleman from Ohio, Mr. UNDERWOOD, is unavoidably absent. I am requested to state that he would have voted "aye" upon the rule on the farm-relief legislation and the motion to table the motion to reconsider, if he had been present.

#### ADJOURNMENT

Mr. BUCHANAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 2 minutes p.m.) the House adjourned until tomorrow, Thursday, May 4, 1933, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

42. Under clause 2 of rule XXIV, a letter from the Secretary of War, transmitting a draft of a bill to remove restrictions against construction on certain parts of Governors Island, N.Y., was taken from the Speaker's table and referred to the Committee on Military Affairs.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. SMITH of Virginia: Committee on Rules. House Resolution 110. Resolution authorizing the Judiciary Committee to inquire into and investigate the matter of appointments, conduct, proceedings, and acts of receivers, trustees, and referees in bankruptcy; without amendment (Rept. No. 66). Referred to the House Calendar,



## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. GAMBRILL: Committee on Naval Affairs. H.R. 272. A bill for the relief of Charles W. Eaton; without amendment (Rept. No. 67). Referred to the Committee of the Whole House.

Mr. KNIFFIN: Committee on Naval Affairs. H.R. 289. A bill for the relief of Robert Bennett; without amendment (Rept. No. 68). Referred to the Committee of the Whole House.

Mr. GAMBRILL: Committee on Naval Affairs. H.R. 408. A bill for the relief of William J. Nowinski; without amendment (Rept. No. 69). Referred to the Committee of the Whole House.

Mr. GAMBRILL: Committee on Naval Affairs. H.R. 507. A bill for the relief of John Thomas Simpkin; without amendment (Rept. No. 70). Referred to the Committee of the Whole House.

Mr. DELANEY: Committee on Naval Affairs. H.R. 669. A bill for the relief of Thomas T. Gessler; without amendment (Rept. No. 71). Referred to the Committee of the Whole House.

Mr. GAMBRILL: Committee on Naval Affairs. H.R. 909. A bill for the relief of Elbert L. Grove; without amendment (Rept. No. 72). Referred to the Committee of the Whole House.

Mr. KNIFFIN: Committee on Naval Affairs. H.R. 1404. A bill for the relief of John C. McCann; without amendment (Rept. No. 73). Referred to the Committee of the Whole House.

Mr. GAMBRILL: Committee on Naval Affairs. H.R. 2074. A bill for the relief of Harvey Collins; without amendment (Rept. No. 74). Referred to the Committee of the Whole House.

Mr. VINSON of Georgia: Committee on Naval Affairs. H.R. 2021. A bill to place Jesse C. Harmon on the retired list of the United States Marine Corps; without amendment (Rept. No. 75). Referred to the Committee of the Whole House.

Mr. GAMBRILL: Committee on Naval Affairs. H.R. 2040. A bill for the relief of P. Jean des Garennes; without amendment (Rept. No. 76). Referred to the Committee of the Whole House.

Mr. GAMBRILL: Committee on Naval Affairs. H.R. 2041. A bill for the relief of Irwin D. Coyle; with amendment (Rept. No. 77). Referred to the Committee of the Whole House.

Mr. DREWRY: Committee on Naval Affairs. H.R. 2287. A bill for the relief of Warren Burke; without amendment (Rept. No. 78). Referred to the Committee of the Whole House.

Mr. DREWRY: Committee on Naval Affairs. H.R. 2535. A bill for the relief of Burton Bowen; without amendment (Rept. No. 79). Referred to the Committee of the Whole House.

Mr. DELANEY: Committee on Naval Affairs. H.R. 2536. A bill for the relief of Raymond C. Bogart; with amendment (Rept. No. 80). Referred to the Committee of the Whole House.

Mr. DREWRY: Committee on Naval Affairs. H.R. 3167. A bill for the relief of Sue Hall Erwin; without amendment (Rept. No. 81). Referred to the Committee of the Whole House.

Mr. GAMBRILL: Committee on Naval Affairs. H.R. 3423. A bill for the relief of Benjamin Wright, deceased; without amendment (Rept. No. 82). Referred to the Committee of the Whole House.

Mr. BRITTEN: Committee on Naval Affairs. H.R. 276. A bill to authorize the placing of a bronze tablet bearing a replica of the Congressional Medal of Honor upon the grave of the late Brig. Gen. Robert H. Dunlap, United States Marine Corps, in the Arlington National Cemetery, Va.; without amendment (Rept. No. 83). Referred to the Committee of the Whole House.

## CHANGE OF REFERENCE

Under clause 2 of rule XXII, the Committee on the Public Lands was discharged from the consideration of the bill (H.R. 5374) authorizing the reimbursement of Edward B. Wheeler and the State Investment Co. for the loss of certain lands in the Mora Grant, N.Mex., and the same was referred to the Committee on Claims.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. PARKER of Georgia: A bill (H.R. 5476) to extend the times for commencing and completing the construction of a bridge across the Savannah River at or near Burtons Ferry, near Sylvania, Ga.; to the Committee on Interstate and Foreign Commerce.

By Mr. FOSS: A bill (H.R. 5477) to fix the rates of postage on certain periodicals exceeding 8 ounces in weight; to the Committee on the Post Office and Post Roads.

By Mr. PETERSON: A bill (H.R. 5478) to provide for a preliminary survey and examination along the Gulf coast of the State of Florida from the Caloosahatchee River to the Withlacoochee River, with a view to the improving of the present intracoastal waterway and to secure sheltered waterway where none now exists between these two points with a view to securing a waterway 9 feet deep and approximately 100 feet wide, and for the purpose of affording suitable exit to the north for craft using the Okeechobee Cross-Florida Canal and to provide a connection with the Gulf Coast Intracoastal Canal; to the Committee on Rivers and Harbors.

By Mr. BRITTEN: A bill (H.R. 5479) to authorize the building up of the United States Navy to the strength permitted by the Washington and London Naval Treaties; to the Committee on Naval Affairs.

By Mr. RAYBURN: A bill (H.R. 5480) to provide full and fair disclosure of the character of securities sold in interstate and foreign commerce and through the mails, and to prevent frauds in the sale thereof, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PETERSON: A bill (H.R. 5481) to provide for a preliminary survey and examination of Crystal River, Fla.; to the Committee on Rivers and Harbors.

Also, a bill (H.R. 5482) to provide a survey and examination of Caseys Pass, Fla.; to the Committee on Rivers and Harbors.

By Mr. GREEN: A bill (H.R. 5483) to assist in relieving unemployment and reviving industry by authorizing emergency appropriations for highway construction; to the Committee on Roads.

By Mr. CELLER: A bill (H.R. 5484) to provide for the establishment of a Federal Railroad Corporation, to provide for the redistribution of the executive, administrative, and judicial functions of railroad operation and control among proper and separate agencies, to provide for the vesting of executive responsibilities and management and control of railroads among the railroads of this country, under regulation and control that will stimulate the transportation industry under supervision that will again permit individual initiative and successful operation, and to establish a more effective machinery for rendering financial assistance to the railroads of this country in order that a more efficient, economical operation thereof may be assured, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. IGLESIAS: A bill (H.R. 5492) to extend to Puerto Rico the provisions of the act entitled "An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1934, and for other purposes"; to the Committee on Insular Affairs.

By Mr. DE PRIEST: Joint resolution (H.J.Res. 171) proposing an amendment to the fourteenth amendment to the Constitution; to the Committee on the Judiciary.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CARPENTER of Nebraska: A bill (H.R. 5485) for the relief of James Colton; to the Committee on Claims.

By Mr. JOHNSON of Minnesota: A bill (H.R. 5486) for the relief of certain riparian owners for losses sustained by them on the drained Mud Lake bottom in Marshall County in the State of Minnesota; to the Committee on Claims.

Also, a bill (H.R. 5487) for injury sustained by Robert W. Krieger; to the Committee on Claims.

By Mr. SOMERS of New York: A bill (H.R. 5488) to correct the military record of James H. Overbaugh; to the Committee on Military Affairs.

By Mr. UNDERWOOD: A bill (H.R. 5489) granting an increase of pension to Julia A. Hull; to the Committee on Invalid Pensions.

Also, a bill (H.R. 5490) granting an increase of pension to Elizabeth Foughty; to the Committee on Invalid Pensions.

Also, a bill (H.R. 5491) for the relief of Esther M. Frey; to the Committee on Claims.

## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

866. By Mr. BEITER: Petition of the Naval Post Auxiliary, No. 368, Buffalo, N.Y., opposing recognition of Soviet Russia by the United States; to the Committee on Foreign Affairs.

867. By Mr. CULLEN: Petition of the Young Men's Board of Trade, New York, expressing its opinion that the treaty which has been negotiated with Canada by the State Department to provide for the canalization of the St. Lawrence River should not be ratified by the Congress; to the Committee on Foreign Affairs.

868. Also, petition of the Central Trades and Labor Council, Greater New York and Vicinity, vigorously protesting against the 15-percent reduction in pay for Federal employees, on the basis that it tends to undermine the very foundation of the living standards of all workers, both in private and Government industry; to the Committee on Appropriations.

869. Also, petition of the American Legion in Kings County, Department of New York, strongly opposing the elimination of the regional office of the Veterans' Administration, New York City, and further opposing the further reduction in the sum of \$434,000,000 of funds to be disbursed by the Veterans' Administration, now projected before the Federal Director of the Budget; also deploring the fact that the activities of the Brooklyn Naval Hospital will be curtailed so that veterans of the World War will be excluded from treatment; to the Committee on World War Veterans' Legislation.

870. By Mr. EDMONDS: Petition passed by the Legislature of the Commonwealth of Pennsylvania, requesting that Congress do not pass any act requiring the blending of gasoline and alcohol; to the Committee on Ways and Means.

871. By Mr. JAMES: Resolution of the City Commission of the City of Wakefield, Mich., heartily endorsing House bill 4801 to release the States, Territories, municipalities, and political subdivisions from obligation to repay relief funds received under title I of the Emergency Relief and Construction Act of 1932, and for other purposes; to the Committee on Banking and Currency.

872. By Mr. JOHNSON of Minnesota: Resolution of William R. Witty Post, No. 37, American Legion, St. Peter, Minn., in reference to Veterans' Administration; to the Committee on Ways and Means.

873. Also, petition of the City Council of the City of Duluth, Minn., in the matter of slashing appropriations for the National Guard; to the Committee on Military Affairs.

874. By Mr. LEHR: Petition of Dixie Distributors, Inc., of Michigan, seeking a revision of the Revenue Act of 1932, so that independent oil jobbers and dealers can, on equal basis, bid for gasoline, oil, and lubricants required by the

States and political subdivisions thereof, and that the revenue act be modified and amended so that such refund and credit can be secured and claimed by permitting the States and the political subdivisions thereof to execute and deliver appropriate affidavits to the jobber and dealer from whom such products were purchased, and such jobber and dealer can secure the credit for the taxes paid thereon from the refiner and manufacturer from whom the gasoline, oil, and lubricants were purchased, and the refiner and manufacturer in turn secure credit from the Internal Revenue Department; to the Committee on Ways and Means.

875. By Mr. LINDSAY: Petition of New York Women's Trade Union League, New York City, favoring the Black bill, S. 158; to the Committee on Labor.

876. Also, petition of National Federation of Post Office Clerks Substitutes' Committee, Local No. 251, Brooklyn, N.Y., favoring return of 2-cent postage for first-class mail, 30-year retirement bill, and House bill 5206, introduced by Mr. RUDD; to the Committee on Ways and Means.

877. Also, petition of Asbestolith Manufacturing Co., New York City, opposing House bill 3759; to the Committee on the Judiciary.

878. Also, petition of A. D. Juilliard & Co., Inc., New York City, opposing House bill 3759; to the Committee on the Judiciary.

879. Also, petition of National Woman's Party, New York City, urging support of the equal-rights amendment, House Joint Resolution No. 1; to the Committee on the Judiciary.

880. By Mr. RUDD: Petition of the Brooklyn Chamber of Commerce, Brooklyn, N.Y., opposing the passage of the Disney bill, H.R. 4681; to the Committee on Interstate and Foreign Commerce.

881. Also, petition of A. D. Juilliard & Co., New York City, opposing the passage of House bill 3759; to the Committee on the Judiciary.

882. Also, petition of the Brooklyn Chamber of Commerce, Brooklyn, N.Y., favoring the passage of House bill 4677, for a survey of the Delaware and Raritan Canals, N.J.; to the Committee on Rivers and Harbors.

883. Also, petition of Asbestolith Manufacturing Co., New York City, opposing the passage of House bill 3759 or any similar bill; to the Committee on the Judiciary.

884. By Mr. STOKES: Petition of the Senate of Pennsylvania, and concurred in by the house of representatives, against the blending of alcohol with gasoline; to the Committee on Ways and Means.

885. By Mr. SWICK: Petition of the Senate and House of Representatives of the State of Pennsylvania, opposing legislation by Congress to compel the blending of alcohol with gasoline; to the Committee on Ways and Means.

886. By Mr. WATSON: Resolution adopted by the Senate of Pennsylvania, relative to the blending of alcohol with gasoline; to the Committee on Ways and Means.

887. By Mr. WERNER: Petition of 1,700 employees of the Homestake Mining Co., of Lead, S.Dak., protesting against the passage by Congress of the Black bill, S. 158, to prevent interstate commerce in certain commodities and articles produced or manufactured in industrial activities in which persons are employed more than 5 days per week or 6 hours per day; to the Committee on Labor.

## SENATE

THURSDAY, MAY 4, 1933

(Legislative day of Monday, May 1, 1933)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

## THE JOURNAL

On motion of Mr. ROBINSON of Arkansas, and by unanimous consent, the reading of the Journal for the calendar days of May 1, 2, and 3 was dispensed with, and the Journal for those days was approved.

## CALL OF THE ROLL

Mr. ROBINSON of Arkansas. I suggest the absence of a quorum.